3 Boston Way
Flood Variance

7-12-1(e)(2)b + 7-12-1(e)(2)e

Flood Variance 101

$$\frac{\text{Repair Cost (day prior)}}{\text{Total Building Value}} = \%$$

>50% = **SUBSTANTIALLY DAMAGED**

Flood Variance 101 (cont.)

$$\frac{44{,}441}{233{,}900} = 19.0\%$$

Process for Granting a Flood Variance:

1. Prerequisites - written report from Floodplain Administrator (Exhibit A)
2. Special Requirements - applicant demonstrate project mets the seven special requirements.

a. The variance is the minimum necessary, considering the flood hazard, to afford relief.

b. No development permit has been approved.

c. A showing of good and sufficient caused. Failure to grant the variance would result in exceptional hardship

e. The granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

f. The granting of the variances will not make the structure in violation of other federal, state, or local laws, regulations, or ordinances; and

g. The granting of the variance is within the designated floodway or non-encroachment area and will not result in any increase in flood levels during the base flood discharge.

Process for Granting a Flood Variance (cont.):

3. Standard Review of Flood Variances - applicant demonstrate project meets the special standard review for flood regulations

a. The property on which the structure is to be erected is an isolated lot of one-half acre or less, contiguous to and surrounded by existing structures constructed below such required first floor elevation.

b. Good and sufficient cause exists for the granting of the variance.

c. Failure to grant the variance would result in exceptional hardship to the applicant.

d. The issuance of the variance would not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

e. The variance is the minimum necessary to afford relief.

f. The variance would not have the effect of nullifying the intent and purposes of this chapter.

4. Findings of Fact - consistent with grant of all other variances

a. Unnecessary hardship would result from the strict application of the ordinance.

b. The hardship results from the conditions that are peculiar to the property, such as location, size, or topography.

c. The hardship did not result from actions taken by the applicant or the property owner.

d. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Summary Statement:

The applicant, Kevin Westmoreland, is requesting variances to the standards in Section 7-12-1(e)(2)(b) and 7-12-1(e)(2)(e) Flood Hazard Reduction, of the UDO. The purpose of the request is to allow for the repair of a historic structure without fully complying with the flood protection standards in order to preserve its historic character. The property is known as 3 Boston Way and PIN 9647-79-0891.

UDO Requirement	Applicant Request	Variance
UDO Sec. 7-12-1(e)(2)e.1.ii. A substantial improvement: Both the existing structure and /or improvement must comply with the standards for new construction. UDO Sec. 7-12-1(e)(2)b. Non-residential construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation as defined in section 7-2-5. (2 feet above base flood elevation).	To comply to the maximum extent possible Upgrading Electric Upgrading HVAC Interior flood resistance materials.	Improvements are expected to exceed 50% building value. Flood protection to the maximum extent possible without compromising the historic character / designation status of the structure.A variance from flood proofing and / or elevating the structure.

3 Boston Way -- Aerial Map



3 Boston Way -- Zoning Map

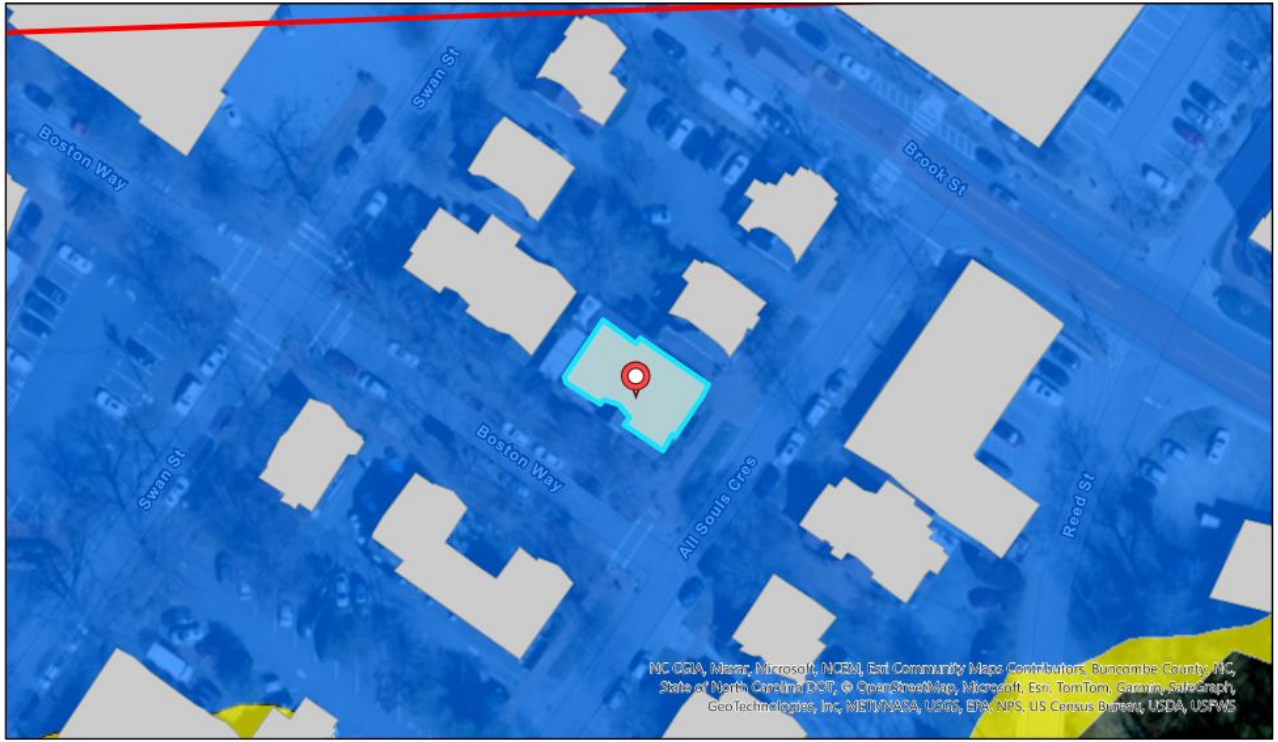


N

0 0.02 0.04 0.06 Miles

3 Boston Way Flood Hazard Map

Oct 14, 2025



Legend

- Panels
- Political Areas
- Stream Centerline
- Cross Sections
- Levee

Flood Hazard Areas

- AE
- Floodway (AE)
- 0.2 % Chance Annual Flood Hazard
- Future Conditions 1% Annual Chance Flood Hazard

North Carolina Floodplain Mapping Program

Street View:



Staff Conditions

1. Obtain CA-Minor/Major works, and work with Alex Cole + Floodplain Administrator to guarantee compliance with ALL historic preservation and NFIP requirements.
2. Prepares and submits a suitable two party (Tenant and Owner) signed flood action plan for pre-storm preparation, staff can work with the applicant to develop and provide examples.
3. Elevate and flood protect the HVAC System 2’ above BFE, met by applicant
4. Elevate and flood protect the electric systems 2’ above BFE, met by applicant
    a. If this cannot be met or comply with historic standards, it will be elevated to maximum extent practicable and verified with Flood Elevation Certification.
5. Provides interior flood resistant materials to 2’ above BFE for new materials in accordance with FEMA’s guidelines, met by applicant
6. Prepares and submits a detailed floor plan of the building showing the location of the flood resistant materials, as part of closing out the permit to document.
7. Provides sewer backwater preventer (if not already in place), City of Asheville staff believe this is already in place.