**Section 3706.1020 Application for Variance**

a) The applicant for a variance shall provide such information as the Department may require to determine whether the following requirements have been met:

1) The applicant must show good cause why the structure should not be required to comply with the regulatory flood protection requirements of Section 3706.520.

2) The applicant must demonstrate that exceptional economic hardship will result to the applicant without a variance from the regulatory flood protection elevation requirements of Section 3706.520.

3) The applicant must show that, except for increased flood damage potential necessarily arising from a variance, the construction otherwise will conform to the rules of the Department.

4) The applicant must show that the variance is the minimum necessary to afford relief.

5) The applicant must have obtained approval by the appropriate county or municipality of a variance conforming to 24 CFR 1910.6(a) for the structure, and the county or municipality must be a participant in good standing in the National Flood Insurance Program.

b) In order to show economic hardship, the applicant must establish that compliance with the regulatory flood protection elevation requirements of Section 3706.520 must result in an actual, identifiable increase in costs which significantly exceeds in equivalent terms an estimated reduction in

1) expected flood losses or

2) actuarial rate flood insurance premiums over the estimated useful life or economic life of the structure.

c) To assist the applicant in making such comparison, the Department shall, if requested by the applicant, provide a forecast for completion of an authorized flood control project for which the Department would subsequently amend the regulatory flood plain under Section 3706.920.

(Source: Amended at 3 Ill. Reg. 29, p. 192, effective July 21, 1979)