

2016 Variance Guideline for Historic Structures/Buildings
from the City of Naples Floodplain Management Regulations and Florida Building Code

This document was prepared to assist applicants (owners and/or agents) understand the City of Naples variance petition process for historic structures to obtain relief from certain floodplain management regulations.

The applicant should be familiar with the City of Naples Floodplain Management Regulations, the Florida Building Code, Existing Building Chapter 12 Historic Structures, and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings prior to submitting an application.

A variance, for National Flood Insurance (NFIP) purposes, is a grant of relief by a community from floodplain management regulations. It is granted for floodplain management purposes only; hence flood insurance will still be rated according to risk.

As per the City of Naples Code of Ordinance, Chapter 16, Article II, Section 16-82(1). *Historic Buildings*. "A variance is authorized to be issued for the repair, improvement or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon determination that the proposed repair, improvement or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building*. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code."

As per the *Florida Building Code, Existing Building, Chapter 12 Historic Structures, Section 1201.3* "In flood hazard areas, if all proposed work, including repairs, work required because of a change of occupancy, and alterations, constitutes substantial improvement, then the building shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.

Exception: If the "program" that designated the building as historic determines that it will continue to be an historic building after the proposed work is completed, the proposed work is not considered to be substantial improvement. For the purpose of this exception, an historic building is:

1. Individually listed in the National Register of Historic Places; or
2. A contributing resource within a National Register of Historic Places listed district*; or
3. Designated as historic property under an official municipality, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district, provided the local program making the designation is approved by the Department of the Interior (the Florida state historic preservation officer maintains a list of approved local programs); or
4. Determined eligible by the Florida State Historic Preservation Officer for listing in the National Register of Historic Places, either individually or as a contributing property in a district.

* See attached list for Contributing Resources as approved by the National Register of Historic Places

As per the City of Naples Code of Ordinance, Chapter 16, Article IV Floodplain Management, Section 16-144 Definitions.

Historic structure means any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building, Chapter 12 Historic Buildings*.

Substantial improvement means any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a one-year period, in which the cumulative cost of which equals or exceeds 50 percent of the current market value of the structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this article. This term includes structures that have incurred substantial damage regardless of the actual repair work performed. This term does not, however, include either: Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

To exempt a historic building from compliance with the floodplain management regulations, a variance must be granted by the Board of Appeals, which is applied for through the Building Department and Floodplain Coordinator.

The following is the process for requesting a variance for "Contributing" Historic Structures:

Residential/Private Structures (not used for rental or commercial purposes)

Proposed work that constitutes a substantial improvement and will affect the exterior of the structure:

1. The applicant must first submit plans for the proposed work to the State Historic Preservation Office. The SHPO will review the proposed work to ensure that it will not have an adverse effect on the building. If the SHPO agrees that there is no adverse effect, a letter of concurrence will be provided to certify that the building is eligible for exemption.
2. Upon SHPO approval, the applicant must then submit a Board of Appeals petition form and the required fee for a Variance to the Floodplain Management Criteria to the Building Department.
3. Along with the petition form and fee, a detailed scope of work, a copy of the SHPO approved plans, the letter of concurrence from SHPO and photographs of all four sides of the building, including views showing it in context with the neighboring structures must be submitted.
4. The variance request will be heard at the next available Board of Appeals meeting.

Proposed "interior only" work that constitutes a substantial improvement and will not affect the exterior of the structure:

1. The applicant must submit a Board of Appeals petition form and the required fee for a Variance to the Floodplain Management Criteria to the Building Department.
2. Along with the petition form and fee, a detailed scope of work, a copy the plans showing the proposed work, and photographs of all four sides of the building, including views showing it in context with the neighboring structures must be submitted.
3. The variance request will be heard at the next available Board of Appeals meeting.

Commercial/Residential Structures (public/rentals)

Proposed work that constitutes a substantial improvement and will affect the exterior and/or interior of the structure:

1. The applicant must first submit plans for the proposed work to the State Historic Preservation Office. The SHPO will review the proposed work to ensure that it will not have an adverse effect on the

- building. If the SHPO agrees that there is no adverse effect, a letter of concurrence will be provided to certify that the building is eligible for exemption.
2. Upon SHPO approval, the applicant must then submit a Board of Appeals petition form and the required fee for a Variance to the Floodplain Management Criteria to the Building Department.
 3. Along with the petition form and fee, a detailed scope of work, a copy of the SHPO approved plans, the letter of concurrence from SHPO and photographs of all four sides of the building, including views showing it in context with the neighboring structures must be submitted.
 4. The variance request will be heard at the next available Board of Appeals meeting.

For "Non-Contributing" Historic Structures the following must be completed prior to applying to the Board of Appeals for a variance:

1. Submit a Preliminary Site Information Questionnaire to SHPO.
2. If the property appears to be eligible for listing in the National Register of Historic Places, either individually or as a contributing property in a district, a Florida Nomination Proposal Form (FNP) must be submitted for review.
3. Upon favorable recommendation of the Florida National Register Review Board, a formal nomination will be prepared for the submission by the SHPO to the National Register.
4. Once it has been determined eligible by the SHPO for listing in the National Register of Historic Places, either individually or as a contributing property in a district, a variance may be requested.

****Exempt substantial improvement alterations/repairs to the variance process shall be at the sole discretion of the Building Official and Floodplain Administrator:**

1. Minor plumbing improvements or repairs that will not impair the historic significance of the structure
2. Minor electrical improvements or repairs that will not impair the historic significance of the structure
3. Minor mechanical improvements or repairs that will not impair the historic significance of the structure