



**TOWN OF EMMITSBURG**  
**300A South Seton Avenue, Emmitsburg, MD 21727**  
[www.emmitsburgmd.gov](http://www.emmitsburgmd.gov) · (301) 600-6300

## FLOODPLAIN VARIANCE APPLICATION

### Instructions:

- All applications must be completed in full along with the signature of the owner, applicant, or the owner's duly authorized representative or agent.

### Fees:

- Fee = \$300.00
- Payment may be made by cash, check, or credit card (add \$5 fee for credit card processing).
- Fees are subject to change by policy, resolution, or ordinance by the Mayor and Board of Commissioners.

### Checklist:

Copy of permit application

Site map showing the location of flood hazard areas, designated floodway boundaries, flood zones, base flood elevations, and flood protection setbacks.

Architectural drawings

Elevation Certificate

Other: \_\_\_\_\_

### Please Note:

- All variance applications must be reviewed by the Town's Board of Appeals. Only the Board of Appeals has the power to authorize or deny variances.
- The applicant or the applicant's duly authorized representative or agent hereby agrees to comply with all applicable Town codes, laws, ordinances, and regulations, and in accordance with all State and Federal regulations. The applicant alone bears the responsibility of ensuring their work does not violate other laws, regulations, or the rights of neighbors and other parts. I hereby certify the information with this application to be true and correct, and I further agree to pay all costs as stated in the Town's fee schedule. The application is being made with full knowledge of the landowner and the applicant is authorized by the owner to act on his or her behalf.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**For Community Use Only:**

Community Name: Town of Emmitsburg

Community ID No.: 240029

Case No.: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Comments from State NFIP Office? Yes/No

Date Received: \_\_\_\_\_

Declaration of Land Restriction (Nonconversion Agreement)? Yes/No

Elevation Certificate? Yes/No

Please include a site map showing the location of flood hazard areas, designated floodway boundaries, flood zones, base flood elevations, and flood protection setbacks.

**Section I. Project Information**

**A. Applicant**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**B. Owner**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**C. Property**

SDAT Account Identifier: \_\_\_\_\_

Map: \_\_\_\_\_

Grid: \_\_\_\_\_

Parcel: \_\_\_\_\_

Lot: \_\_\_\_\_

Improvement Value: \_\_\_\_\_

As of Date: \_\_\_\_\_

Existing Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Estimated Project Cost (including labor): \_\_\_\_\_

**D. Flood Insurance Rate Map (FIRM)**

Panel No.: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Flood Source: \_\_\_\_\_ Floodplain Type(s): Tidal/Riverine/Coastal

Flood Zone: \_\_\_\_\_ Base Flood Elevation: \_\_\_\_\_ Elevation Datum: \_\_\_\_\_

**E. Description of the variance sought:**

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**F. Reason for the variance request:**

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**G. Applicable Section(s) of the Code:**

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**Section II. Considerations for Variances (please address each one)**

A. The danger that materials may be swept onto other lands to the injury of others.

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B. The danger to life and property due to flooding or erosion damage.

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C. The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.

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D. The importance of the services to the community provided by the proposed development.

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E. The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.

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F. The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.

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G. The compatibility of the proposed use with existing and anticipated development.

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H. The relationship of the proposed use to the comprehensive plan and hazard mitigation plan for that area.

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I. The safety of access to the property in times of flood for passenger vehicles and emergency vehicles.

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J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

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K. The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

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L. The comments provided by MDE (NFIP State Coordinator).

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**Section III. Limitations for Granting Variances (please address each one)**

A. A showing of good and sufficient cause. Good and sufficient cause deals solely with the physical characteristics of the property and cannot be based on the character of the improvement, the personal characteristics of the owner/inhabitants, or local provision that regulates standards other than health and public safety.

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- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

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- C. A determination that the granting of a variance for development within any designated floodway, or flood hazard area with base flood elevations but no designated floodway, will not result in increased flood heights beyond that which is allowed in these regulations.

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- D. A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud or victimization of the public, or conflict with existing local laws.

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- E. A determination that the building, structure or other development is protected by methods to minimize flood damages.

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- F. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

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## Section IV. Resources

Maryland Flood Risk Application, <https://mdfloodmaps.net/>

FEMA Map Service Center, <https://msc.fema.gov/portal/home>

FEMA Technical Bulletins (TBs), <https://www.fema.gov/emergency-managers/risk-management/building-science/national-flood-insurance-technical-bulletins>

*Technical Bulletin, Update Overview*

*Technical Bulletin 0, User's Guide to NFIP Technical Bulletins*

*Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures (2020)*

*Technical Bulletin 2, Flood Damage-Resistant Materials Requirements*

*Technical Bulletin 3, Non-Residential Floodproofing Requirements and Certifications*

*Technical Bulletin 4, Elevator Installation*

*Technical Bulletin 5, Free-of-Obstruction Requirements (2020)*

*Technical Bulletin 6, Below-Grade Parking Requirements*

*Technical Bulletin 7, Wet Floodproofing Requirements*

*Technical Bulletin 8, Corrosion Protection of Metal Connectors in Coastal Areas*

*Technical Bulletin 9, Design and Construction Guidance for Breakaway Walls Below Elevated Coastal Buildings*

*Technical Bulletin 10, Ensuring That Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding*

*Substantial Improvement/Substantial Damage Desk Reference (FEMA P-758)*

[https://www.fema.gov/sites/default/files/2020-07/fema\\_nfip\\_substantial-improvement-substantial-damage-desk-reference.pdf](https://www.fema.gov/sites/default/files/2020-07/fema_nfip_substantial-improvement-substantial-damage-desk-reference.pdf)

*Floodplain Management Bulletin – Variances and the National Flood Insurance Program (FEMA P-993)*

[https://www.fema.gov/sites/default/files/2020-08/FEMA\\_P-993\\_FPM-Bulletin\\_Variance.pdf](https://www.fema.gov/sites/default/files/2020-08/FEMA_P-993_FPM-Bulletin_Variance.pdf)