**Baltimore City Department of Planning**

**Baltimore City Floodplain Variance Application**

**(Based on the Maryland Model Floodplain Management Ordinance)**

**For Community Use Only:**

Community Name: Community ID No.:

Case No.: Date Filed:

Comments from State NFIP Office? Yes/No Date Received:

Declaration of Land Restriction (Non-conversion 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**

1. **Applicant**

Name:

Address:

Phone: Email:

1. **Owner**

Name:

Address:

Phone: Email:

1. **Property**

SDAT Account Identifier:

Map: Grid: Parcel: Lot:

Improvement Value: As of Date:

Existing Use: Proposed Use:

Estimated Project Cost (including labor):

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

Panel No.: Effective Date:

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

Flood Zone: Base Flood Elevation: Elevation Datum:

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

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

1. **Applicable Section(s) of Article 7, Div. 1 (Baltimore City Floodplain Code) include:** {§ 2-6. (c); § 3-15; § 3-12. (b); § 3-29 (a)(1)(i); § 5-1l; or § 5-8}.

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

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

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

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

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

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

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

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

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

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

1. 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.

1. 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.

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

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

1. 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.

1. 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.

1. 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.

1. 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.

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

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

**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/nfip-technical-bulletins>

TB 0, *User’s Guide To NFIP Technical Bulletins*

TB 1, *Openings In Foundation Walls And Walls Of Enclosures*

TB 2, *Flood Damage-Resistant Materials Requirements*

TB 3, *Non-Residential Floodproofing – Requirements And Certification*

TB 4, *Elevator Installation*

TB 5, F*ree-Of-Obstruction Requirements*

TB 6, *Below-Grade Parking Requirements*

TB 7, *Wet Floodproofing Requirements*

TB 8, *Corrosion Protection Of Metal Connectors In Coastal Areas*

TB 9, *Design And Construction Guidance For Breakaway Walls Below Elevated Coastal Buildings*

TB 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/media-library/assets/documents/18562>

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

<https://www.fema.gov/media-library/assets/documents/99703>

**Section V. 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

Also applicable is Article 7, Div. 1 (BALTIMORE CITY FLOODPLAIN REGULATIONS):

* **§ 5-6. Agreement not to convert accessary structures.** The owner of any accessory structure for which a variance is granted must sign an agreement that the structure will never be converted to any use other than for parking vehicles or limited storage. (City Code, 1976/83, art. 7, §7(g); 2000, art. 7, §5-6.) (Ord. 88-188; Ord. 14-208.)
* **§ 5-9. Notice on deed**. Notice of the flood hazard and the variance action must be placed on the deed that conveys title to land on which construction has occurred under this subtitle. (City Code, 1976/83, art. 7, §7(j); 2000, art. 7, §5-9.) (Ord. 88-188; Ord. 92-134; Ord. 14-208.)
* **§ 5-2. Prohibited variances**. A variance may not be granted for: (1) the placement of fill in the Floodway or the Coastal High Hazard Area unless approved by appropriate Federal and State agencies; (2) new construction of any principal structure in the Floodway or the Coastal High Hazard Area; or (3) manufactured homes or buildings within the Floodway and Coastal High Hazard Area. (City Code, 1976/83, art. 7, §7(b); 2000, art. 7, §5-2.) (Ord. 88-188; Ord. 14-208.)

**OFFICE USE ONLY**

State Coordinating Office of the NFIP Comments ( ) Date: \_\_\_\_\_\_\_\_\_\_\_

Emergency Management Comments ( ) Date: \_\_\_\_\_\_\_\_\_\_\_\_\_

Floodplain Manager Recommendation: Date: \_\_\_\_\_\_\_\_\_\_\_

( ) Approval ( ) Conditional Approval ( ) Disapproval

DISPOSITION: ( ) APPROVED ( ) CONDITIONALLY APPROVED ( ) DENIED

 Director of Planning Date

Conditions Attached: ( ) Yes ( ) No

**THIS VARIANCE BECOMES NULL AND VOID IF BUILDING PERMIT NOT ISSUED WITHIN ONE YEAR OF THE DATE OF APPROVAL AND/OR BUILDING NOT CONSTRUCTED AND OCCUPANCY PERMIT ISSUED WITHIN TWO YEARS OF DATE OF APPROVAL.**