



BOARD OF APPEALS

747 Northern Avenue | Hagerstown, MD 21742 | P: 240.313.2430 | F: 240.313.2461 | Hearing Impaired: 7-1-1

WWW.WASHCO-MD.NET

Floodplain Variance Filing Procedures

Variance Request – If requesting a variance, be prepared to tell the Board why the property is unique or why you cannot comply with the strict terms of the Ordinance; in so doing, you should discuss the following criteria, as applicable, excerpted from Section 25.56 of the Washington County Zoning Ordinance:

A variance may be granted by the Board upon a showing of criteria of practical difficulty or undue hardship described below respectively:

- A. Practical Difficulty
 - 1. Strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and
 - 2. Denying the variances would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and
 - 3. Granting the variance would observe the spirit of the Ordinance and secure public safety and welfare.

- B. Undue Hardship
 - 1. Strict compliance with the Ordinance would prevent the applicant from securing a reasonable return from or to make reasonable use of the property; and
 - 2. The difficulties or hardships are peculiar to the property and contrast with those of other property owners in the same district; and
 - 3. The hardship is not the result of the applicant’s own actions.

Application Process:

Incomplete applications will not be accepted.

- Applications are filed by appointment only. Appointments are accepted Monday-Friday between 8:00 a.m. and 3:30 p.m. **except** on a specified filing cut-off day which is 12:00 p.m. To schedule an appointment call 240-313-2430.
- Applications must be filed in person with the Department of Planning and Zoning.
- Nine (9) complete sets of the Variance Appeal information are required at the time of filing.
- Pay the appropriate filing fee by cash, Visa/MasterCard, or check made payable to the Washington County Treasurer:
 - Residential Variance \$150.00
 - Commercial Variance. \$300.00
 - Request for Hearing Postponement..... \$150.00

Filing fees are non-refundable.

Note: A plan review fee of \$150.00 and/or a floodplain review fee of \$150.00 may be charged by Plan Review

Before Hearing:

- The applicant will be responsible for conspicuously posting the property with a placard 14 days before the date of the hearing as required in Section 25.51(c) of the Washington County Zoning Ordinance. The applicant is responsible for maintaining the placard as posted for the full 14 days. The Department of Planning & Zoning Department will provide the placard to the applicant at the time of filing.
- The clerk to the Board of Appeals will be placing a public notice in the local newspaper, on the Washington County Planning and Zoning webpage under Board of Zoning Hearing Agenda, and courtesy letters will be mailed to neighboring property owners notifying them of the hearing.
- The clerk to the Board of Appeals will provide the applicant with any letters of support or opposition and or agency review comments received for review. This same information will be provided to the Board of Appeals members for consideration and may be discussed during the hearing.

Public Hearing

- Appellant or appellant's representative is to attend the hearing and will go before the Board to state their case and answer questions from the board members. Appellants are generally granted 10 minutes to present their case but the appellant can request an additional 20 minutes for a total of 30 minutes.
- Anyone attending the hearing is permitted to speak in support or opposition to the appeal. The appellant will be given a chance to address the oppositions concerns.
- The Board will then go into deliberations and there will be no further comment taken at that time. The board members will make their informal decision during the hearing. The formal and official written opinion will be issued within 30 days and a copy of the decision will be served to the parties via US postal service.

Opinion:

- If the appeal is granted, the appellant may apply for or continue with the permit process at their own risk after the hearing. The formal opinion can be challenged up to 30 days after the formal opinion has been issued to the Circuit Court. Any fees paid during this time will not be refunded if the Circuit Court overturns the Board of Appeals opinion.
- If the appeal is denied, the appellant may challenge the formal opinion in Circuit Court within 30 days of the formal opinion filing. The appellant can also file for a new appeal either 12 months after the original appeal or a new request can be submitted but must be deemed substantially different from the original proposal.
- Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, or board, bureau of the jurisdiction, may appeal the same to the Circuit Court of Washington County in a manner set forth in Section 4.08 of Article 66B of the Annotated Code of Maryland. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal.
- Appeals granted by the Board of Appeals do not have a time requirement of when the project must start. If the project is delayed and there is a change to the property, zoning, or project; a new approval may be required.



BOARD OF APPEALS

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Appeal for Floodplain Variance Application

This appeal form is to be used to assist the customer in gathering the information necessary to submit an application. However, the application shall be processed in person.

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: _____

Appeal is hereby made for a variance from a requirement of the Washington County Floodplain Management Ordinance as follows:

Section I. Project Information

A. Applicant

Name: _____

Address: _____

Phone: _____ Email: _____

Appellant's present legal interest in above property: (Check One)

___ Owner (Including Joint Ownership) ___ Lessee ___ Contract to rent/lease

___ Contract to Purchase ___ Other _____

B. Owner

Name: _____

Address: _____

Phone: _____ Email: _____

C. Property

Property Address: _____

SDAT Account Identifier: _____

Map: _____ Grid: _____ Parcel: _____ Lot: _____

Brief Description of Project: _____

Existing Use: _____ Proposed Use: _____

Current Value of Structure: _____ As of Date: _____

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: _____

Section II. Variance Information

A. Description of the variance sought:

B. Reason for the variance request:

C. Applicable Section(s) of the Code:

Section III. Considerations for Variances (please address each one)

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

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

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.

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

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

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

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

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

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

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.

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.

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

Section IV. 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.

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.

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.

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.

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

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

Section V. Previous Appeal Information

Has any previous petition or appeal involving this property been made to the Board?

Yes No

If yes, list docket number(s): _____

Section VI. Certification

I hereby certify that I have, to the best of my knowledge, accurately supplied the information required for the above referenced appeal.

Signature of Appellant

Email of Appellant

Address of Appellant

Phone Number of Appellant

Section VII. 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

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



BOARD OF APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that _____
is authorized to file an appeal with the Washington County Board of Appeals for _____ on property
located _____.

The said work is authorized by _____
the property owner in fee.

PROPERTY OWNER

Name

Address

City, State, Zip Code

Owner's Signature

Sworn and subscribed before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires:

AUTHORIZED REPRESENTATIVE

Name

Address

City, State, Zip Code

Authorized Representative's Signature

Sworn and subscribed before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires:

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