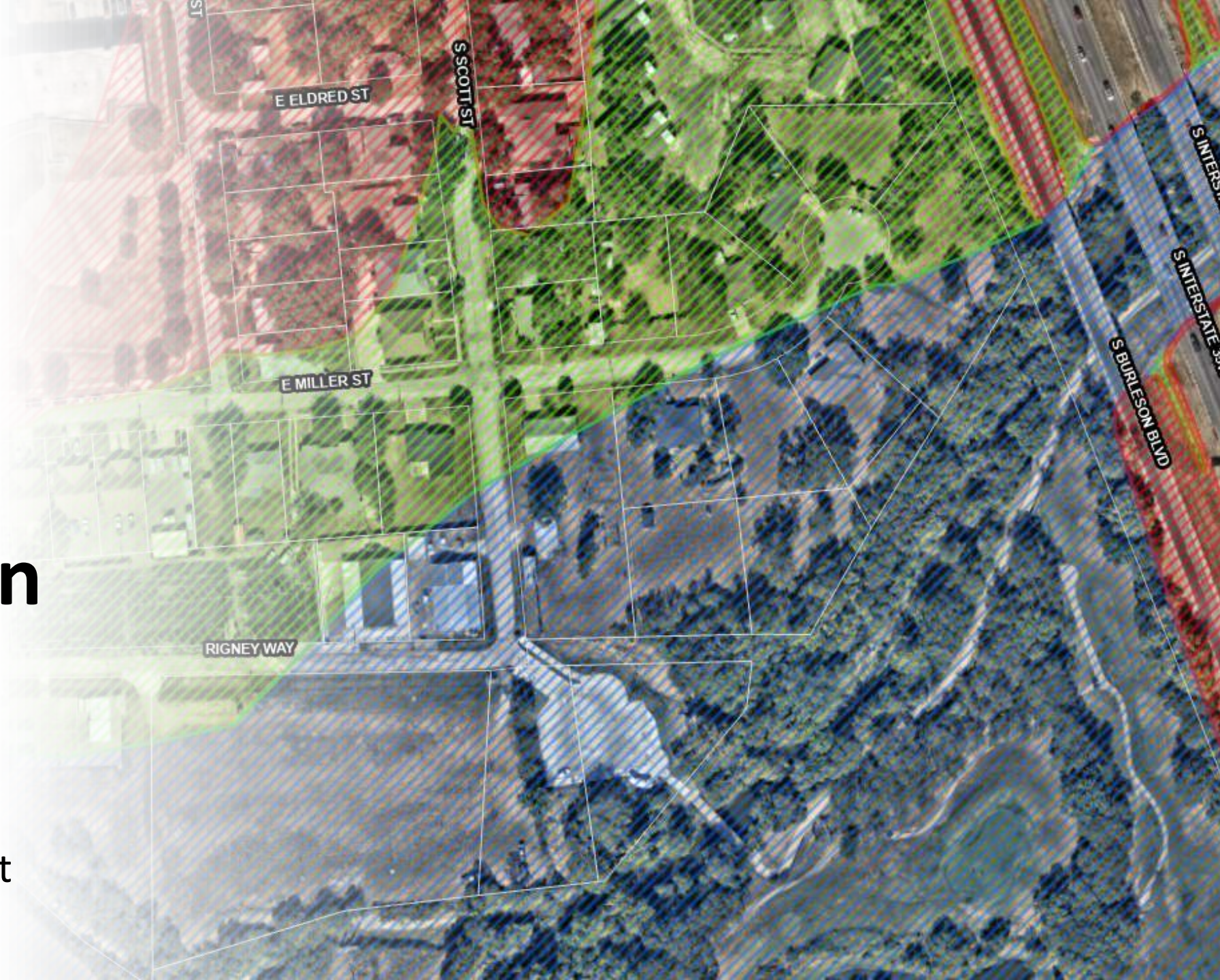


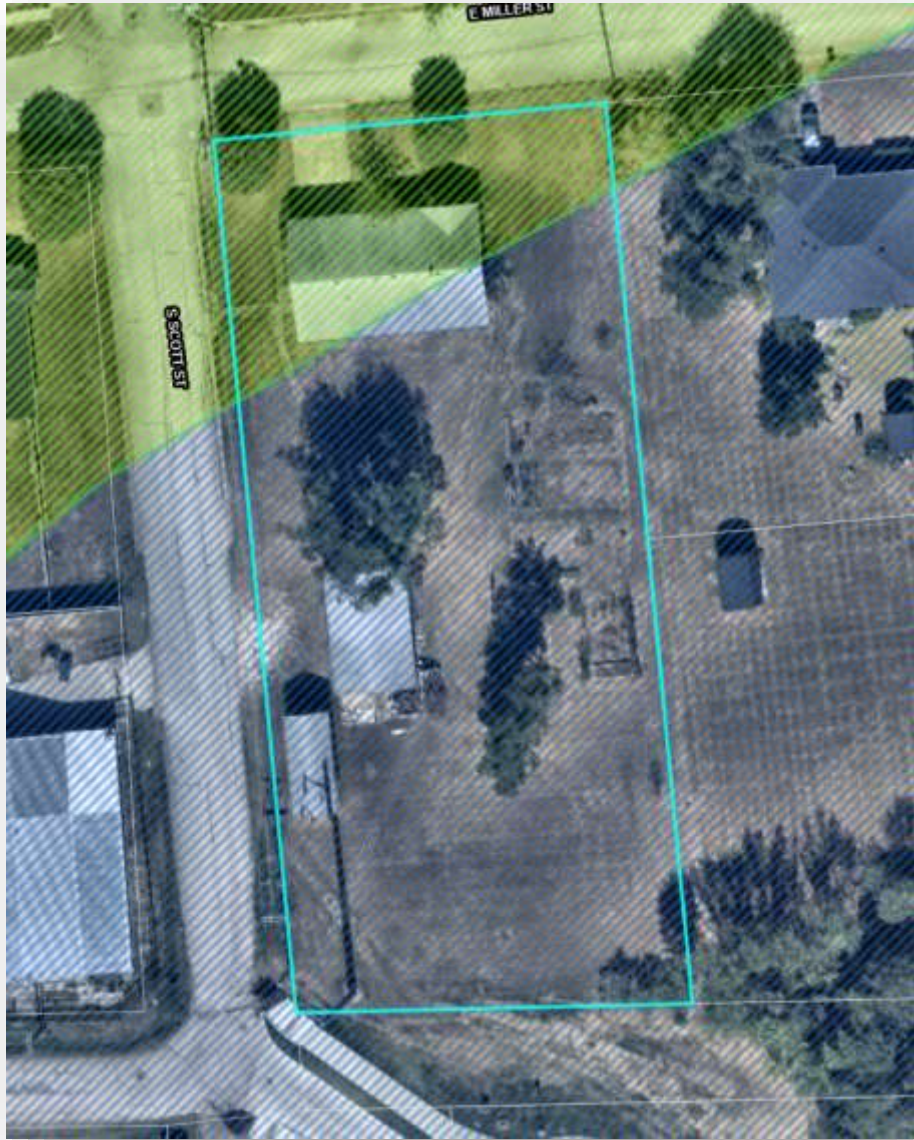
# Chapter 42 – Floods Appeal of Interpretation

Zoning Board of Adjustment  
December 18, 2025





# 300 E Miller Street



The property owner, Mr. Jones, is seeking an appeal to the Floodplain Administrators interpretation of Chapter 42, Floods and a variance to the permit procedure

- House constructed in 1958
- Remodel permit submitted in March 2022 – never issued
- Property owner initiated process again in early 2024
- Floodplain regulations apply since property is located in within a regulatory FEMA floodplain, with a portion of the structure within the floodway
  - Floodplain Development Permit required for work within the floodplain
    - Floodplain consists of a floodway and flood fringe
  - Development cannot cause a rise in the water surface elevation within regulatory floodway
    - Technical data such as a flood study is required to confirm no rise is created

# National Flood Insurance Program (NFIP)

## Role of National Flood Insurance Program (NFIP)

- Legislation passed in 1968
- Administered by FEMA

### Main elements:

- Hazard identification and mapping
- Floodplain management criteria – establishes minimum requirements for communities to adopt
- 44 Code of Federal Regulations (CFR) created to regulate development within floodplain to reduce risk to life and property
- Flood insurance – provided financial protection for property owners



**NATIONAL FLOOD  
INSURANCE PROGRAM**

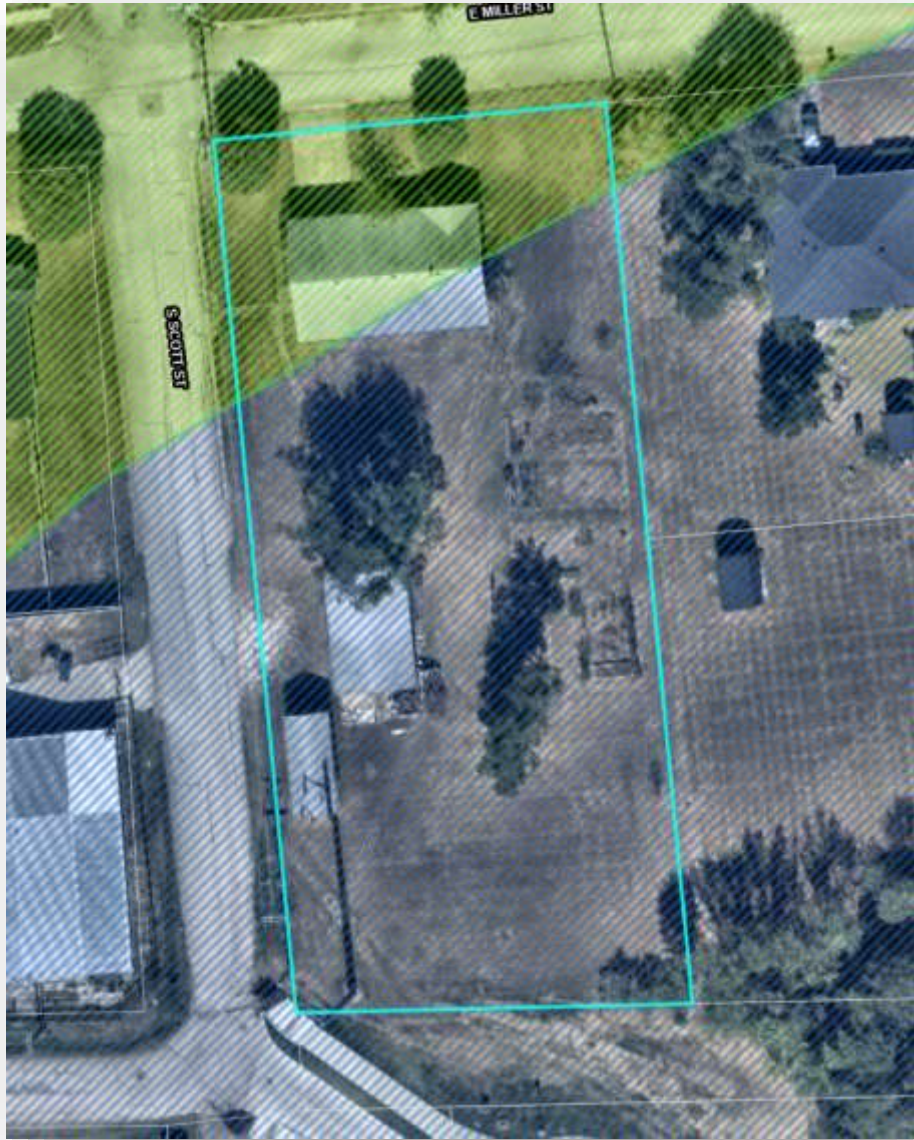
# National Flood Insurance Program (NFIP)

- Community's participation is voluntary – Burleson is a member
- NFIP provides flood insurance coverage only in states and communities that adopt and enforce floodplain management regulations
- Communities participating in the NFIP are eligible for assistance in other disasters in addition to flood disasters





# City of Burleson



## Role of Community/Floodplain Administrator

- Adopt minimum standards for development within the regulatory floodplain
- Review development proposals to ensure compliance when proposed development occurs in the floodplain
- Issue or deny floodplain development permits
- Inspect all developments approved for construction within the floodplain
- Maintain records of issued permits, elevation data, inspections and enforcement activity for activity within the floodplain

# Substantial Improvement Determination



## Existing Structures

FEMA provides several guidance documents for floodplain administrators, two reference are listed below

- Substantial Improvement/Substation Damage – Desk Reference (FEMA p-758, May 2010)
- NFIP Floodplain Management Requirements (FEMA 480, February 2005) Unit 8

Substantial improvements is defined by FEMA as the following –

*Any repair, reconstruction or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before “start of construction” of the improvement*

**If the proposed improvements are determined to be substantial and the costs meet or exceed 50% of the market value, the entire structure has to come into compliance with current regulations**



# Substantial Improvement Determination



The type of designation for an existing building is determined by the initial Flood Insurance Rate Map (FIRM)

- Pre-FIRM – constructed prior to December 31, 1974 or before the effective date of an initial FIRM (Burleson – November 2, 1973)
- Post-FIRM – construction occurring on or after the effective date of an initial FIRM

All existing buildings are subject to the substantial improvement determination per the NFIP Floodplain Management Requirements (FEMA p-758, Unit 8, Page 8-5, Exhibit 6)

Improvements requiring a permit must be considered –

- Remodeling
- Rehabilitation
- Building additions
- Repair and reconstruction projects

# Substantial Improvement Determination

To determine if proposed improvements qualify as a substantial improvement project, an itemized project cost list is required as part of the floodplain development permit process (FEMA p-758, Unit 8, Page 8-6 – 8-8, Exhibit 6)

## Items to be included in detail project cost list

- All structural elements, including:
  - Spread or continuous foundation footings and pilings
  - Monolithic or other types of concrete slabs
  - Bearing walls, tie beams and trusses
- Floors and ceilings
- Attached decks and porches
- Interior partition walls
- Exterior wall finishes (brick, stucco, siding) including painting and moldings
- Windows and doors
- Reshingling or retiling a roof
- Hardware
- All interior finishing elements, including:
  - Tiling, linoleum, stone, or carpet over subflooring
  - Bathroom tiling and fixtures
  - Wall finishes (drywall, painting, stucco, plaster, paneling, marble, etc.)
  - Kitchen, utility and bathroom cabinets
  - Built-in bookcases, cabinets, and furniture
- Hardware
- All utility and service equipment, including:
  - HVAC equipment
  - Plumbing and electrical services
  - Light fixtures and ceiling fans
  - Security systems
  - Built-in kitchen appliances
  - Central vacuum systems
  - Water filtration, conditioning, or recirculation systems
- Cost to demolish storm-damaged building components
- --- Labor and other costs associated with moving or altering undamaged building components to accommodate improvements or additions
- --- Overhead and profits

## Items that can be excluded

- Plans and specifications
- Survey costs
- Permit fees
- Post-storm debris removal and clean up
- Outside improvements, including:
  - Landscaping
  - Sidewalks
  - Fences
  - Yard lights
- Swimming pools
- Screened pool enclosures
- Detached structures (including garages, sheds and gazebos)
- Landscape irrigation systems



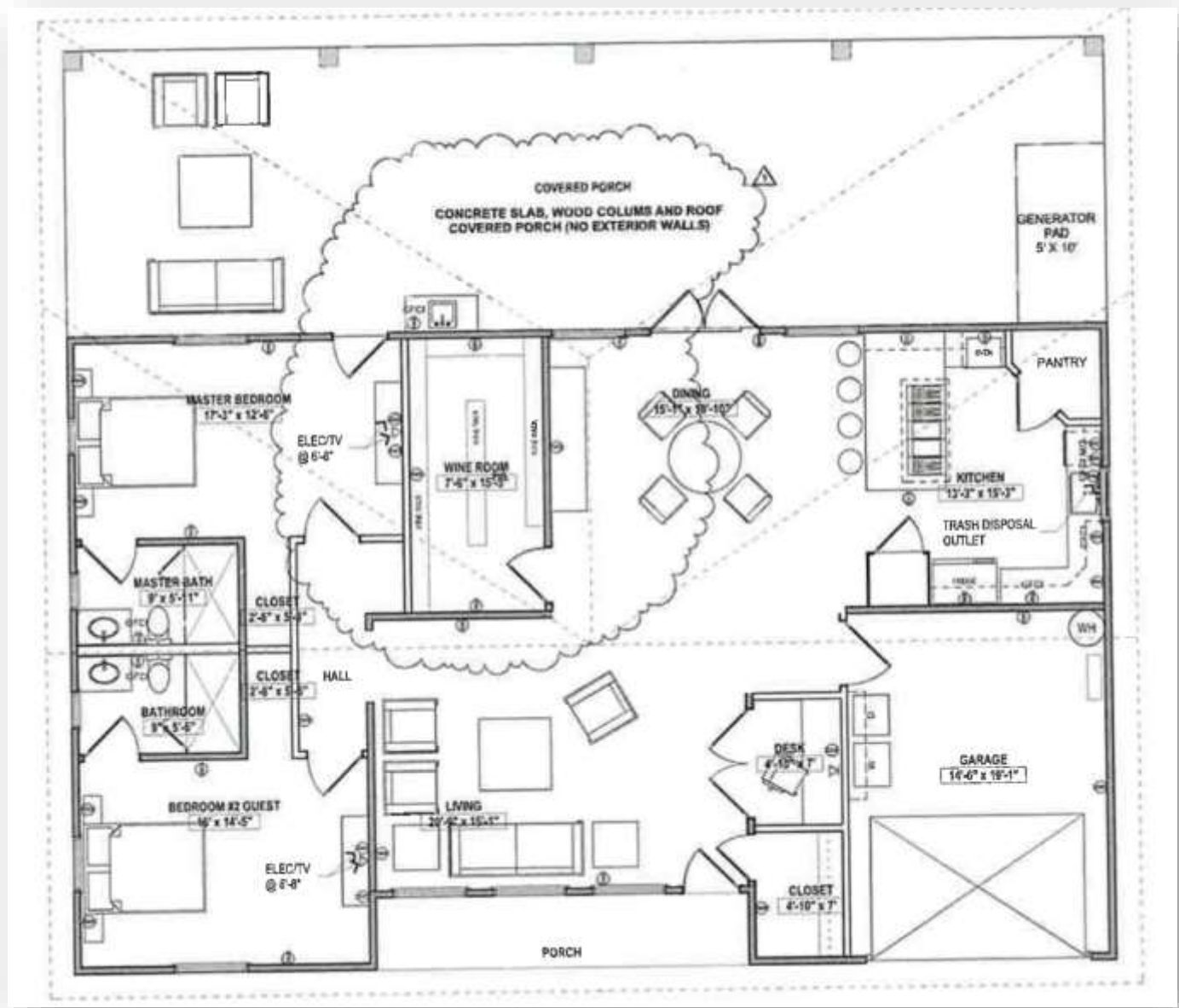
# 300 E Miller Street

Property Owner provided the  
Following Information:

**300 E Miller**

Framing	\$7,500.00
New Patio Deck	\$8,500.00
Windows	\$2,500.00
Roof	\$6,000.00
Siding	\$6,500.00

**\$31,000.00**



# Substantial Improvement Determination

## **Floodplain Administrator's Determination-**

*“Information submitted by the property owner does not include items required by FEMA to make a determination if the proposed improvements to the existing structure would qualify as Substantial Improvements.”*

## **City's third-party consultant review and determination of the information submitted by the property owner –**

*“Utilizing the 2022 market value of \$67,834 and the provided estimated cost of improvements of \$31,000 the improvement value would be 45.7%. However, it appears there are several improvements listed in the scope that may not be reflected in this cost breakdown [this] would [include] electrical, plumbing, interior finishes and the additional slab. Based on the described scope of work there may be additional items that should be considered in the improvement value including the HVAC, etc. Based on our review of the provided information, the property owner may resubmit their application with additional documentation of market value and improvements costs to demonstrate the substantial improvement determination.”*



# Floodplain Administrator's Determination

There is insufficient information provided to make a determination of whether the proposed improvements qualify as substantial improvements; therefore, the permit process cannot continue.

Property owner should be aware, if it is determined proposed improvements do not qualify as substantial improvements, all other floodplain requirements still apply in order for a floodplain development permit, and subsequent building permits, to be issued.

These requirements include, but are not limited to, the following:

- Flood study or at a minimum technical data provided to show no rise in the floodplain (flood fringe and floodway) for the proposed patio addition
- All electrical equipment including the HCAV and proposed generator shall be elevated a minimum of 2 feet above the base flood elevation as determined by technical data
- Completed elevation certificate that also includes information confirming the electrical equipment has been elevated

# Issue Before Board

- Based on the circumstances, the Floodplain Administrator does not recommend approval of Mr. Jones' appeal and variance request.
- Chapter 42, Floods, requires submission of a detailed cost estimate for review/determination if the proposed improvements qualify as substantial improvements.
- Remodeling process cannot continue until the documents have been received and approved by the Floodplain Administrator.

**Any approved waiver or appeal to the requirements must be reported to FEMA and the NFIP.**



# Questions/Discussion

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