
Zoning Board of Adjustment

DEPARTMENT: Development Services


FROM: Michelle McCullough, P.E., CFM, City Engineer/Floodplain Administrator

MEETING: December 18, 2025

SUBJECT:

Hold a public hearing and consider and take possible action on an appeal to the Floodplain Administrator's interpretation and administration of Burleson Code of Ordinances, Chapter 42 Floods and a variance to the permit procedure. *(Staff Presenter: Michelle McCullough, City Engineer/ Floodplain Administrator)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
 Beautiful, Safe, & Vibrant Community	3.1 Encourage a clean and healthy community 3.3 Enhance emergency response services 3.5 Continue community policing and risk reduction programs

SUMMARY:

The city is a member of the National Flood Insurance Program (NFIP) and enforces floodplain ordinances to protect property owners and reduce flood risks to structures. A remodel permit for the home located at 300 E. Miller street was submitted to the city in March 2022; however, it never moved forward at that time. In early 2024, the property owner contacted the city to re-initiate the permit process.

This property is located within a Federal Emergency Management Agency (FEMA) regulatory floodplain and local and federal regulations apply for any modification proposed to an existing structure. The duty of the floodplain administrator is to determine if the proposed remodel and covered patio qualify as substantial improvements.

The City's flood ordinance, Chapter 42 Floods, Article II, Flood Damage defines substantial improvement as the following –

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

Several references have been provided to the property owner detailing the information required in order to review the proposed improvements including FEMA’s Unit 8, Substantial Improvement and Substantial Damage document, as well as FEMA P-758, Substantial Improvement/Substantial Damage Desk Reference.

To determine if the cost of improvements is at least 50 percent of the market value, a detailed cost estimate is necessary. FEMA specifies which items must be included in the cost estimate and which can be excluded. The property owner's current cost estimate omits several items required by FEMA when compared to the building permit plan set submitted to the city. Therefore, it cannot yet be determined whether the proposed improvements would be classified as substantial improvements that need to comply with the city's flood ordinance, Chapter 42.

The property owner disagreed with the floodplain administrator's assessment. Consequently, the administrator requested a third-party consultant to review the information provided by the property owner and provide a professional determination. The consultant could not determine if the proposed improvements qualified as substantial, noting that some listed improvements might not be included in the cost breakdown and additional items should be considered based on the scope of work.

FLOODPLAIN ADMINISTRATOR 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

PRIOR ACTION/INPUT (Council, Boards, Citizens):

N/A

REFERENCE:

Proposed scope of work and cost estimate

Chapter 42, Floods

FEMA P-758, Substantial Improvement/Substantial Damage Desk Reference

Unit 8, Substantial Improvement and Substantial Damage

Freese and Nichols Substantial Improvement Review – 300 E. Miller

FISCAL IMPACT:

N/A

STAFF CONTACT:

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