

**ZONING HEARING BOARD  
SOUTH LONDONDERRY TOWNSHIP  
27 W. MARKET STREET  
PALMYRA, PA 17078**

**AGENDA**

**February 24, 2022**

**7:00 PM**

**Opening Ceremonies and Introduction**

Pledge of Allegiance

**Special Orders**

Changes to Agenda

**Approval of the Minutes:** January 13, 2022 - Zoning Hearing Board Meeting

**Public Input**

**New Business:**

**Case 01 - 2022:** The Zoning Hearing Board will meet to consider the Amended Application of John Vanderhoef, with regard to property located at 1208 Eby Road, Palmyra, South Londonderry Township, Lebanon County. The property is located in the Agricultural (A) Zoning District. The Applicant requests variances from Zoning Ordinance 203, Section 201.G and requests the following relief:

1. A variance to allow two (2) lots containing 13,300 square feet and one (1) lot containing 15,820 square feet, in lieu of 1 acre minimum lot size required by the Ordinance.
2. A variance to allow two (2) lots to have a lot width at the street frontage of 95 feet and one (1) lot to have a lot width at the street frontage of 125.69 feet, in lieu of 120 feet required by the Ordinance.
3. A variance to allow two (2) lots to have a lot width at the building setback line of 95 feet and one (1) lot to have a lot width at the building setback line of 120 feet, in lieu of 150 feet required by the Ordinance.
4. A variance to allow the maximum lot coverage to be 35% in lieu of 20% required by the Ordinance.

**Adjournment:**

**ZONING HEARING BOARD  
MEETING MINUTES  
SOUTH LONDONDERRY TOWNSHIP  
27 WEST MARKET STREET  
PALMYRA, PA 17078**

**January 13, 2022**

**7:00 PM**

**Opening Ceremonies-** The meeting was called to order at 7:00PM by Horstick followed by the Pledge of Allegiance.

**The following members were present:**

John Horstick, Chairman  
Richard Druby, Solicitor

Travis Aughenbaugh, Member  
Jeremiah Harris, Vice Chairman

**Township Representatives present:**

John Eberly, Township Manager  
Richie Deibert, Assistant Township Manager  
Frank Chlebnikow, Zoning Officer (Rettew) – Via Telephone

**Public In Attendance:**

Julie Cheyney and Josie Ames.

**Reorganization:** A motion was made by Harris, seconded by Aughenbaugh to recommend John Horstick as Chairman of the Zoning Hearing Board. Motion carried.

A motion was made by Aughenbaugh, seconded by Horstick to recommend Jeremiah Harris as Vice Chairman of the Zoning Hearing Board. Motion carried.

**Approval of Minutes:** A motion was made Harris, seconded by Aughenbaugh to approve the minutes from the November 22, 2021 Zoning Hearing Board meeting. Motion carried.

**Public Comment:** None

**New Business:**

**Case 06-2021** - The Zoning Hearing Board met to consider the Application of JOBI, LLC, with regard to property located at 242 Hinkle Road, Annville, South Londonderry Township, Lebanon County. The property is located in the Light Industrial (LI) Zoning District. The Applicant seeks to use the property for short-term rental of an existing farmhouse on the property. The Applicant requests a Special Exception for Uses Not Provided For, pursuant to §107 and §704.C of the Zoning Ordinance to use the property for short-term rental. In the alternative, the Applicant seeks a Variance from Section 230.B. of the Zoning Ordinance, Uses Permitted by Right, within the LI Zone. The Board will hear any other requests for relief relative to the proposed Application at this time.

A motion was made by Harris, seconded by Aughenbaugh to reject the Special Exception for Uses Not Provided For, pursuant to section 107 and 704.C of the Zoning Ordinance to use the property for short-term rental. Motion carried.

A motion was made by Harris, seconded by Aughenbaugh to approve a variance from Section 230.B of the Zoning Ordinance, Uses Permitted by Right, within the LI Zone, conditional to the Townships third party inspections/building requirements for the short-term rental and if the short term rental use is permitted in the LI district, they must follow the provisions of the short term rental use regulations. Motion carried.

With no more business to discuss, Horstick adjourned the meeting at 8:05PM.

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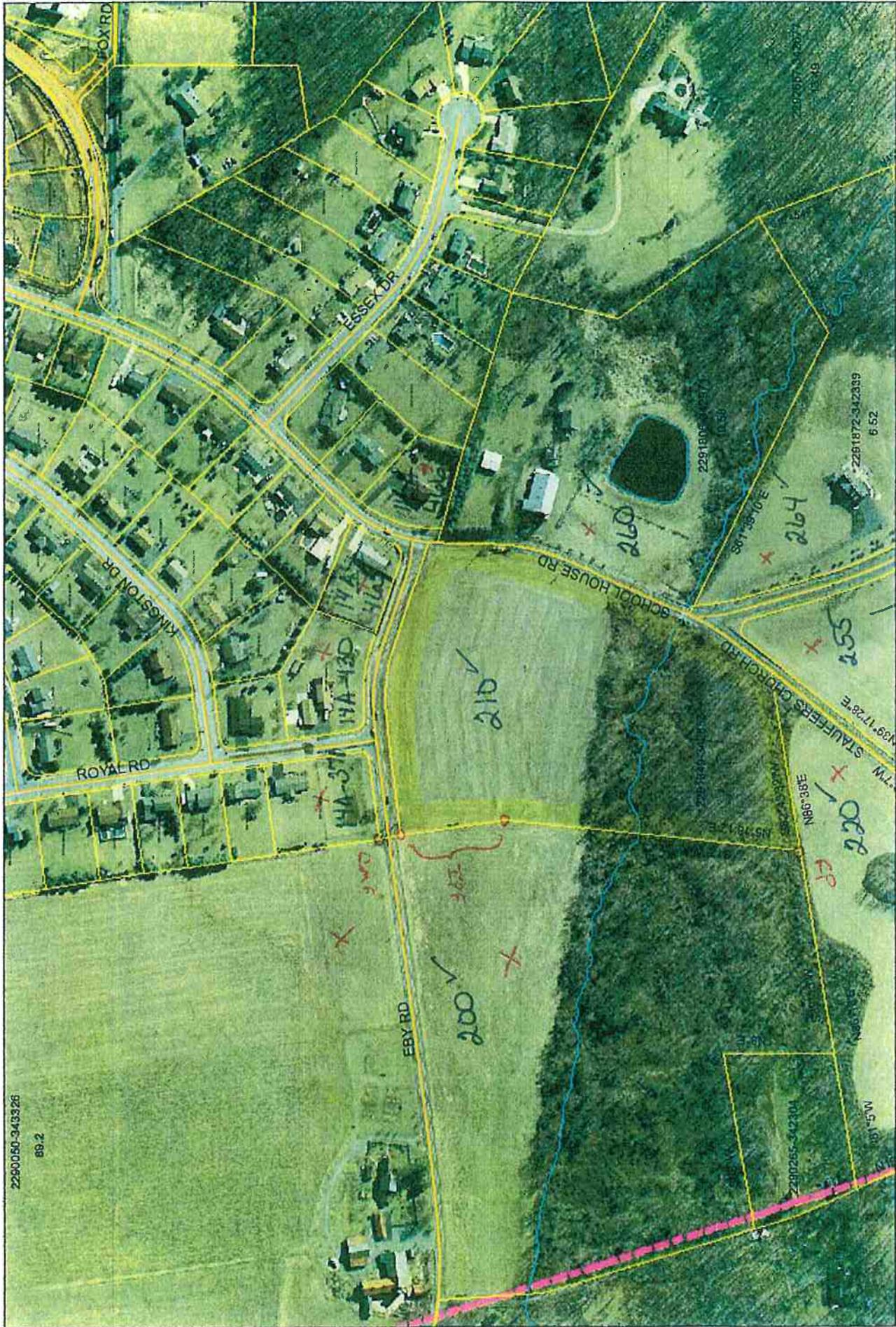
John Eberly, South Londonderry Township, Manager

## CONTACT INFORMATION OF SURROUNDING PROPERTY OWNERS

1. John H. & Darlene Dossett-1115 Eby Road Palmyra Pa. 17078-Lot # 200 -PN# 2290050-343326
2. Rugh A. & Sylvia G. Henderson-945 Stauffer Church Road, Palmyra, Pa. 17078 -Lot # 220 PN# 2290843-341672
3. Gerald E. & Susan E. Tompkins-Smith-197 Schoolhouse Road, Palmyra, Pa. 17078-Lot # 255-PN# 2291436-342035
4. Jonathan E. Gingrich-176 Schoolhouse Road, Palmyra Pa. 17078-Lot # 260 PN# 2291806-342971
5. Brandon E. & Beth Janelle Kane-190 Schoolhouse Road, Palmyra Pa. 17078-Lot # 264 -PN# 2291872-342339
6. John R. & Margaret L. Weaver-2 Royal Road, Palmyra, Pa. 17078-Lot# 371-PN# 2291161-343539
7. H. Kenneth & Mary A. Anspach-1207 Eby Road, Palmyra, Pa. 17078-Lot# 430-PN# 2291367-343466
8. Karen L. Powell-173 Schoolhouse Road, Palmyra, Pa. 17078-Lot# 465-PN# 2291666-343355
9. Anthony L. Loewy-174 Schoolhouse Road. Palmyra, Pa. 17078-Lot# 466-PN# 2291814-343251

# Lebanon County Tax Assessment Office

-  Tax Parcels
-  Tract
-  Subdivision Lot
-  Municipal Boundary
-  Roads
-  Buildings
-  Buildings Under Construction
-  County Boundary



1 inch = 300 feet

*S Londonderry*

*Map 14*

*Lot 210*

*see Book*

Disclaimer:  
 Tax maps show the approximate boundaries of taxable and non-taxable property. The property boundaries depicted should not be interpreted as the legal boundary description. The legal boundary description can be obtained from the property's deed.

Tax Maps Compiled from 1997 Aerial Photography  
 Map Projection - PA State Plane Coordinate System  
 South Zone, NAD83, Coordinates in Feet

**MATTHEW & HOCKLEY ASSOCIATES, LTD.**  
**ENGINEERING - SURVEYING**  
**340 SOUTH EIGHTH STREET**  
**LEBANON, PA 17042**

*RICHARD G. HOCKLEY*  
*(1947-1969)*  
**GARY T. MATTHEW, R.S.**  
*R. J. GEARHART, JR., R.S.*  
*DAREK W. POTTER, P.E.*  
*R. SCOTT CARPENTER, S.E.O.*

**AREA CODE 717**  
**272-3028**  
**FAX 1-717-274-3362**

December 7, 2021

South Londonderry Township  
27 West Market Street  
Palmyra, Pa. 17078  
Attn: John Eberly, Township Manager

RE: John Vanderhoef Zoning Hearing  
Case No. 05-2020

Dear Mr. Eberly

If you recall, John Vanderhoef (“Applicant”) had a Zoning Hearing before the South Londonderry Township Zoning Hearing Board on September 21, 2020, at which time he was requesting an extension of the timeframes in Section 703.N.2 of the Zoning Ordinance related to the timing of submitting a subdivision and/or land development plan and obtaining a zoning permit with regard to a prior Zoning Hearing Board decision in 2015. In the alternative, the Applicant sought variances from Zoning Ordinance 203, Section 201.G regarding (1) minimum lot size, (2) minimum lot width requirement at the street frontage, (3) minimum lot width requirement at the building setback line, and (4) maximum lot coverage, so that the Applicant can create one large lot and three smaller lots from the property.

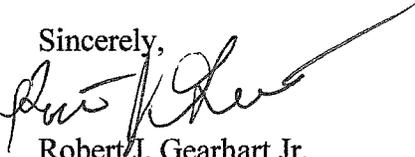
The Board, after hearing testimony from the Twp. Zoning Officer, with regards to the area of the property now being in the flood plain, by the June 2020 FEMA study and testimony from neighbors, with respect to stormwater issues, determined that conditions have so altered or changed in the interval since the granting of the variances in 2015 that revocation or rescission of that relief is justified and therefore the request for the timeframes extension was denied. With respect to the alternative, that being the request for again granting the previous granted variances, the Applicant testified he was not prepared to present evidence in support of that portion of his Application, nor was he prepared to present evidence in support of a variance under the new Ordinance 220, pertaining to flood plains and therefore he requested and the board granted a request for a continuance so that he would have time to prepare and present evidence in support of the variance request.

Since the date of the Zoning Hearing, the Applicant had engineering studies conducted on the property to determine exact flood plain limits and submitted said studies and reports to FEMA, requesting the removal of a substantial portion of the property, which was approved by FEMA and documented by a Letter of Map Amendment, dated March 8, 2021.

The applicant is now in a position to proceed with his Zoning Hearing and is requesting that a Zoning Hearing be scheduled with the Zoning Hearing Board and the proper advertisements and notifications be sent out as required for said hearing.

If you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Gearhart Jr.", with a long, sweeping flourish extending to the right.

Robert J. Gearhart Jr.

## PROJECT NARRATIVE

John and Dawn Vanderhoef own's an 11.4240 acre property (10.4630 acres within road R/W), zoned Agricultural, that is located at the Southwest corner of Eby Road and School House Road, situated in South Londonderry Township, Lebanon County, Pa.

The Vanderhoef's propose to subdivide the property creating three single family residential lots and a residual parcel that is improved with a single family residential house and driveway. The residue lands not occupied by the existing residential occupation lines will be farmed and the woodlands consisting of 4.5 acres will be preserved as a private conservation easement to support natural habitat and wildlife.

In the Zoning Ordinance, Section 201.E. of the Agricultural District permits 3 new residential lots for a parcel containing 10-20 acres. These lots governed by Section 201.G. of the Ordinance requires specific dimensional requirements with respect to minimum and maximum lot areas, lot widths, setbacks and lot coverage. These requirements were placed in the Ordinance with the Intent of preserving farmland by restricting the lot widths and lot areas to a size that would comfortably support the residential lot improvements, while maintaining the required isolation distances between the Primary and Replacement sewage disposal areas and the on-lot well. The minimum lot area requirement for a residential lot is 1 acre and the maximum is 2 acres, therefore for the three lots proposed the minimum area of agricultural land consumed for the residential lots would be 3 acres and the maximum would be 6 acres, with a residual area within the road R/W being 7.463 acres and 4.463 acres respectively, depending on what lot size is chosen. Taking into consideration that 4.5 acres is woodlands, even utilizing the minimum lot size permitted would not provide sufficient acreage for agricultural use.

The Vanderhoef's are requesting dimensional variances pertaining to the minimum lot area, lot width, setbacks and lot coverage, as outlined in Section 201.G. of the Ordinance for the purpose of providing sufficient residual land for crop farming and a woodland conservation easement. Since the property is located across the street from existing developed, low density residentially zoned land, it seemed appropriate to request that these standards be applied to the proposed lots. Those Standards being requested are those outlined in the Ordinance as "Single -Family detached dwellings, and Municipal and Governmental uses with public sewer and water, that existed on the effective date of the Ordinance". Those regulations would permit a lot size of 12,000 sq. ft. with approximately reduced lot frontage widths, setback reductions and increased lot coverage. These would be the standards that the Londonderry Village Development, located across the street (Eby Road) would be governed by. Developing the lots by these standards would provide sufficient area for the placement of a house and driveway and there would be no concern for the placement of wells and on-lot septic systems, since they would be served by public water and sewer.

Developing the lots utilizing the R-1 yard requirements would minimize the area utilized for residential use to less than 1 acre total, which would be more in line with satisfying the design objectives as outlined by the Ordinance and more particularly being, the clustering of residential lots, thereby minimizing the loss of Class I, II and III soils and also minimizing the length of property lines shared by residential lots and adjoining farms.

## Requested Variances

**Variances requested from Section 201.G. of the South Londonderry Township Zoning Ordinance are as follows:**

1. A variance to allow TWO (2) lots containing 13,300 square feet and ONE (1) lot containing 15,820 square feet, in lieu of 1 acre minimum lot size required by the Ordinance.
2. A variance to allow TWO (2) lots to have a lot width at the street frontage of 95 feet and ONE (1) lot to have a lot width at the street frontage of 125.69 feet, in lieu of 120 feet required by the Ordinance.
3. A variance to allow TWO (2) lots to have a lot width at the building setback line of 95 feet and ONE (1) lot to have a lot width at the building setback line of 120 feet, in lieu of 150 feet required by the Ordinance.
4. A variance to allow the maximum lot coverage to be 35% in lieu of 20% required by the Ordinance.

## General Criteria

### JUSTIFICATION FOR GRANTING OF VARIANCE

- A. The parcel contains 10.4630 acres within the road Right-of-Way, that consist of approximately 4.5 acres of woodland and 5.963 acres of cultivated land. The lots, if developed per the ordinance requirements, could consume up to 6 acres of the cultivated area in class II and III soils for residential use. Because of the ability to serve the lots with public sewer and water, and being just across the street from a major Residential Development, it would make sense to utilize the zoning requirements that they are governed by, thereby reducing the lot size and increasing the amount of available class II and III soils for cultivation. By utilizing the Residential requirements the 3 lots would consume less than 1 acre and the plan would successfully meet the design objectives of the agricultural district by minimizing the loss of class II and III soils, clustering the residential lots and minimizing the length of the property line of a residential use abutting an adjacent farm.
- B. The parcel consisting of approximately 4.5 acres of woodlands, that are comprised of water courses, floodplains and hydric soils, which are not conducive to the development of lots, forces the placement of the permitted allocation of lots into the remaining 5.963 acres of cultivated land comprised of class II and III soils. With the undisputed intent of the ordinance being to preserve these areas for agricultural production, the clustering of lots and a reduction in lot size provides an ample alternative to comply with the intent of the ordinance.
- C. The hardship of developing the tract in strict conformance with the ordinance is due to the size of the tract and the required preservation of the existing natural features of the site required by the ordinance. Were the site to be developed utilizing the dimensional requirements of the ordinance, there would be little or no available land preserved for agricultural use, which would be clearly contrary to the intent of what the ordinance is trying to achieve.

- D. The granting of the variance would not alter the essential character of the neighborhood by the fact that there is a large residential development of similar lot sizes across the street and the length of the property line that would be shared by the residential use and the neighboring property would be reduced. Also the area consumed by the residential uses would be less than 1 acre compared to the 3 to 6 acres that would be consumed by developing in strict conformance with the ordinance.
- E. The variance would be the most practical alternative in that it would conform to the residential character of the neighborhood across the street and would provide the greatest amount of preserved class II and III soils for agricultural production.
- F. No variances are requested within the flood plain zone and the applicants desire is to create a private conservation preservation easement that will encompass the woodlands thereby protecting the existing natural features.

#### **Case Law**

Hertzberg v. Zoning Board of Adjustment of Pittsburg 555 Pa. 279,721 A.2d 43 (1998)

The Pennsylvania Supreme Court set forth the different standards which must be met seeking a dimensional variance as opposed to a use variance. In Hertzberg, the Supreme Court reversed the Commonwealth Court and noted that the Commonwealth Court ignored the distinction that a dimensional variance was sought rather than a use variance. The Supreme Court went on to state that a quantum of proof is required to establish unnecessary hardship that is less with a dimensional variance as opposed to a use variance.

Constantino v. Zoning Hearing Board of the Borough of Forest Hills 152 Pa. Cmwlth. 258, 61 A.2d 1193,1196 (1992).

“ When seeking a dimensional variance within a permitted use the owner is asking for a reasonable adjustment of the zoning regulations in order to utilize the property in a manner consistent with the applicable regulations. Thus, the grant of a dimensional variance is of lesser moment than the grant of a use variance, since the latter involves a proposal to use the property in a manner that is wholly outside the zoning regulation”.



# Federal Emergency Management Agency

Washington, D.C. 20472

March 08, 2021

MR. ROBERT GEARHART, JR.  
340 SOUTH EIGHTH STREET  
LEBANON, PA 17042

CASE NO.: 21-03-0573A  
COMMUNITY: TOWNSHIP OF SOUTH  
LONDONDERRY, LEBANON  
COUNTY, PENNSYLVANIA  
COMMUNITY NO.: 421043

DEAR MR. GEARHART, JR.:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Amendment (LOMA) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Sincerely,

Luis V. Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration

#### LIST OF ENCLOSURES:

LOMA DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator  
Community Map Repository  
Region



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
<b>COMMUNITY</b>	<b>TOWNSHIP OF SOUTH LONDONDERRY, LEBANON COUNTY, PENNSYLVANIA</b>  COMMUNITY NO.: 421043	A parcel of land, as described in the Deed recorded as Instrument No. 201412603, in the Office of the Recorder of Deeds, Lebanon County, Pennsylvania  The portion of property is more particularly described by the following metes and bounds:
<b>AFFECTED MAP PANEL</b>	NUMBER: 42075C0240E  DATE: 7/8/2020	
<b>FLOODING SOURCE: SPRING CREEK TRIBUTARY 1</b>		
		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 40.269324, -76.592923 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

### DETERMINATION

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	1208 Eby Road	Portion of Property	X (unshaded)	--	--	460.3 feet

**Special Flood Hazard Area (SFHA)** - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

**ADDITIONAL CONSIDERATIONS** (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION	STATE LOCAL CONSIDERATIONS
PORTIONS REMAIN IN THE SFHA	
ZONE A	

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-6277 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 100, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director  
 Engineering and Modeling Division  
 Federal Insurance and Mitigation Administration



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL) ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

### LEGAL PROPERTY DESCRIPTION (CONTINUED)

COMMENCING at a spike in the centerline intersection of Eby Road and Schoolhouse Road (SR- 3013), said point being the Northeast property corner of the 1208 Eby Road property; Thence S45°17'34"W a distance of 146.46 feet to an iron pin, located on the Western Right-of-Way line of School House Road, the PLACE OF BEGINNING; Thence along the Western Right-of-Way line of Schoolhouse Road the following four courses and distances, (1) Thence along a curve to the left, having a radius of 363.89 feet, an arc length of 20.15 feet and a chord bearing of S02°23' 41"W a distance of 20.15 feet to an iron pin; (2) Thence S00°48'49"W a distance of 10.39 feet to an iron pin; (3) Thence along a curve to the right, having a radius of 324.34, an arc length of 16.52 feet and a chord bearing of S11°59'19"W a distance of 125.72 feet to an iron pin; (4) Thence S23°09'49"W a distance of 95.21 feet to a point; Thence through lands of 1208 Eby Road the following two courses and distances, (1) Thence S85°36'05"W a distance of 210.34 feet to a point; (2) Thence N83°59'22"W a distance of 335.21 feet to a point on the Western property line of 1208 Eby Road; Thence along said Western property line N04°22' 14"E a distance of 204.16 feet to an iron pin; Thence through lands of 1208 Eby Road, the following two courses and distances, (1) N00°45'58"W a distance of 133.81 feet to a point; (2) Thence S14°10'23"W a distance of 83.89 feet to a point on the Southern Right-of-Way line of Eby Road; Thence along the Southern Right-of-Way line of Eby Road, the following four courses and distances, (1) N81°41'49"E a distance of 186.36 feet to an iron pin; (2) Thence along a curve to the right, having a radius of 489.68 feet, an arc length of 234.17 feet and a chord bearing of S84°36'11"E a distance of 231.95 feet to an iron pin; (3) Thence S70°54'11"E a distance of 179.48 feet to an iron pin; (4) Thence along a curve to the right, having a radius of 150.00 feet, an arc length of 32.67 feet and a chord bearing of S33°27'40"E a distance of 30.40 feet to the PLACE OF BEGINNING

### PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

### ONE A (This Additional Consideration applies to the preceding 1 Property.)

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

### STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMA DETERMINATION DOCUMENT (REMOVAL))

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

  
Luis V. Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration



# Federal Emergency Management Agency

Washington, D.C. 20472

## ADDITIONAL INFORMATION REGARDING LETTERS OF MAP AMENDMENT

When making determinations on requests for Letters of Map Amendment (LOMAs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMA is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMA *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMA provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMA is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMA must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

LOMAENC-1 (LOMA Removal)

The NFIP offers two types of flood insurance policies to property owners: the low-cost Preferred Risk Policy (PRP) and the Standard Flood Insurance Policy (SFIP). The PRP is available for 1- to 4-family residential structures located outside the SFHA with little or no loss history. The PRP is available for townhouse/rowhouse-type structures, but is not available for other types of condominium units. The SFIP is available for all other structures. Additional information on the PRP and how a property owner can qualify for this type of policy may be obtained by calling the Flood Insurance Information Hotline, toll free, at 1-800-427-4661. Before making a final decision about flood insurance coverage, FEMA strongly encourages property owners to discuss their individual flood risk situations and insurance needs with an insurance agent or company.

FEMA has established "Grandfather" rules to benefit flood insurance policyholders who have maintained continuous coverage. Property owners may wish to note also that, if they live outside but on the fringe of the SFHA shown on an effective NFIP map and the map is revised to expand the SFHA to include their structure(s), their flood insurance policy rates will not increase as long as the coverage for the affected structure(s) has been continuous. Property owners would continue to receive the lower insurance policy rates.

LOMAs are based on minimum criteria established by the NFIP. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If a State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to amend an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

When a restudy is undertaken, or when a sufficient number of revisions or amendments occur on particular map panels, FEMA initiates the printing and distribution process for the affected panels. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. In such cases, FEMA attempts to reflect the results of the LOMA on the new map panel. If the results of particular LOMAs cannot be reflected on the new map panel because of scale limitations, FEMA notifies the community in writing and revalidates the LOMAs in that letter. LOMAs revalidated in this way usually will become effective 1 day after the effective date of the revised map.