

MEMORANDUM

TO: Board of Adjustment
FROM: Maggie Squyer, Assistant Planner
Aaron Nelson, Planning Coordinator *AN*
DATE: August 20, 2020
RE: Board of Adjustment Meeting

The next meeting of the Board of Adjustment will be held on Tuesday, August 25, 2020 at 9:00 a.m. in the City Commission Chambers at Fargo City Hall. If you are not able to participate in the meeting, please contact staff at (701) 241-1474 or planning@FargoND.gov. Thank you.

BOARD OF ADJUSTMENT
Tuesday, August 25, 2020 9:00 a.m.
Commission Chambers
AGENDA

1. Approve Minutes of July 28, 2020 Meeting
2. New Business
 - a) Variance Request – 615 11th Avenue North—WITHDRAWN
Request for a variance of Section 20-0501 of the LDC. The requested variance is to allow a shed to exceed the maximum allowable building coverage in the SR-3, Single-Dwelling Residential, zoning district.
 - b) Variance Request – 3201 33rd Street South
Request for a variance of Article 21-06 of the Municipal Code. The requested variance is to allow for the construction of a building addition at a lower elevation than would otherwise be required by the City's Floodproofing Code.
3. Other Business
4. Adjournment

Board of Adjustment meetings are broadcast live on cable channel TV Fargo 56 and can be seen live by video stream on www.FargoND.gov/streaming. They are rebroadcast each Tuesday at 9:00 a.m. for one month following the meeting.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474 or TDD at 701.241.8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

BOARD OF ADJUSTMENT MINUTES

Regular Meeting:

Tuesday, July 28, 2020

The Regular Meeting of the Board of Adjustment of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 9:00 a.m., Tuesday, July 28, 2020.

The Members present or absent were as follows:

Present: Deb Wendel-Daub, Matthew Boreen, Russell Ford-Dunker, Michael Love, Mike Mitchell

Absent: None

Chair Love called the meeting to order.

Item 1: Approval of Minutes: Regular Meeting of May 26, 2020

Member Wendel-Daub moved the minutes of the May 26, 2020 Board of Adjustment meeting be approved. Second by Member Mitchell. All Members present voted aye and the motion was declared carried.

Item 2: New Business

No new business was presented.

Item 3: Other Business

a) Board Membership Update (*Informational Item*)

Planning Coordinator Aaron Nelson provided an update that Member Heller is now a full member of the Board, and that Russell Ford-Dunker has let his term expire. He noted that work is being done to fill the Alternate position on the Board.

Chair Love thanked Mr. Ford-Dunker for his years of service to the Board of Adjustment.

b) Annual Nomination and Election of Officers

-Chairperson

Member Wendel-Daub moved Michael Love be nominated as the Board of Adjustment Chairperson. Second by Member Boreen. All Members present voted aye and the motion was declared carried.

-Vice-Chairperson

Member Heller moved Deb Wendel-Daub be nominated as the Board of Adjustment Vice-Chairperson. Second by Member Mitchell. All Members present voted aye and the motion was declared carried.

Item 4: Adjournment:

Member Heller moved to adjourn the meeting at 9:09 a.m. Second by Member Mitchell. All Members present voted aye and the motion was declared carried.

CITY OF FARGO - Board of Adjustment Variance Staff Report

Item No: 2.b	Date: August 18, 2020
Address: 3201 33 rd Street South	
Legal Description: Lot 2, Block 1, Davron First Addition	
Owner(s)/Applicants: St Sophie’s LLC/Brian Pattengale (Houston Engineering)	
Reason For Request: To construct an addition to an existing building that would have a lowest opening and fill elevations below what would otherwise be required by the City’s Floodproofing Code.	
Zoning District: LC: Limited Commercial	
Status: Board of Adjustment Public Hearing: August 25, 2020	

Floodproofing Code Standards	Proposed Structure
Elevations:	Elevations:
Lowest opening: FEMA BFE plus 2' (BFE 904.7 plus 2.0' = 906.7')	Lowest opening: 905.9 (0.8' below required 906.7)
Adjacent fill: FEMA BFE plus 0.7' (BFE 904.7 plus 0.7' = 905.4')	Adjacent fill: 905.7 (0.3' above required 905.4)
Fill within 15': At or above FEMA BFE (BFE 904.7')	Fill within 15': 904.1 (below required elevation)

Background:

The applicant has proposed to construct an addition onto an existing medical office building. The proposed addition would have a lowest opening and fill grade within 15 feet of the building below the elevations that are required by the City's Floodproofing Code. The property and proposed building addition are within the 41-foot water surface elevation inundation area (WSEIA) and the proposed addition is also within the FEMA-designated Special Flood Hazard Area (100-year floodplain). At this location, the FEMA base floodplain elevation (BFE) is 904.7 feet and the 41-foot WSEIA is at an elevation of 905.8 feet. The 41' WSEIA was developed for new construction and is not used for additions to existing structures. As such, the WSEIA elevation standards are not applicable to the proposed building addition. This proposed addition is within the FEMA Special Flood Hazard Area, however, and the Floodproofing Code requirements are as follows:

1. The lowest opening in a building is required to be at or above an elevation that is 2 feet above the FEMA BFE elevation. (904.7-foot FEMA BFE elevation plus 2 feet = 906.7')
2. The fill adjacent to the building is required to be at or above an elevation that is 0.7 feet above the FEMA BFE elevation. (904.7-foot FEMA BFE elevation plus 0.7 feet = 905.4')
3. The fill within 15 feet of the building must be at or above the FEMA BFE (904.7')

The lowest opening of the proposed structure would be at an elevation of 905.9 feet, which is 0.8 feet lower than what is required for the lowest opening elevation (BFE+2'). Additionally, the fill adjacent to the building would be at an elevation of 905.7 feet, which is 0.3 feet higher than required. Lastly, the fill within 15 feet of the building would be 904.1 feet, which is 0.6 feet lower than required. Accordingly, the applicant is requesting a variance in order to construct an addition to an existing building that would have a lowest opening and fill within 15 feet of the building at elevations below what would otherwise be required by the City's Floodproofing Code.

According to the applicant, the proposed variance is necessary to construct the building addition so as to have the same finished floor elevation as the existing building, which was constructed prior to the City's current floodproofing elevation requirements. Additional details are provided by the applicant within the attached application materials.

Codes Background:

The rationale behind the development of the City's 41-foot WSEIA is in anticipation for future increases to the FEMA Special Flood Hazard Area (1% annual chance/100-year flood plain). While mapping flood elevations as part of the FM Diversion Feasibility Study, it was found by the Army Corps of Engineers that the hydrology used by FEMA to establish the Special Flood Hazard Area was obsolete. It was based on a study that did not include in the period of record for the Red River events after 1979. It is the practice of FEMA to review communities every 5 years to determine if a new map is warranted. Based on information contained in the FM Diversion Feasibility Study of Fargo which accounts for recent flood events, including the flood of record in 2009, the information on updated hydrology and hydraulics is readily available and FEMA will have cause to remap Fargo. When this update occurs, it is anticipated FEMA will raise the elevation of the Special Flood Hazard Area, resulting in additional areas of the City being located within this flood plain and subject to additional flood insurance requirements or increases. As such, the purpose of the 41-foot WSEIA is to prevent non-floodproof construction within areas that will potentially be located within Special Flood Hazard Area in the future. It should also be noted that the state rules require elevation on fill to the BFE +1 foot. In an attempt to keep **new** construction compliant with this state requirement into the future, we are requiring the additional 1.2 feet.

The determination was made during the development of the 41' WSEIA that additions to existing structures would only be required to adhere to the FEMA elevation requirements if the existing structure and/or the proposed addition is within the FEMA 1% chance flood zone. If the structure and addition are only identified in the 41' WSEIA area, the addition may match the finish floor elevation of the original structure.

Another caveat of floodproofing and protection has to do with localized flooding versus flooding from the Red River. Many areas of the City are at risk of flooding due to the stormwater infrastructure not being able to handle significant rainfall events. In this aspect the City's floodproofing requirements and policies are intended for emergency protection from both the Red River and from overland flooding or storm sewer overflows.

Criteria for Approval:

The Floodproofing Code was enacted by reference within Article 21-06 (Flood Plain Management) of the Fargo Municipal Code. Appeals from Article 21-06 are heard and decided upon by the Board of Adjustment as outlined within Section 21-0603 of the Municipal Code.

§21-0603.G.5 of the Municipal Code states that, *In determining appeals or requests for variances, the board of adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:*

- 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 facility and its contents to flood damage and the effect of such damage on the individual owners;*
- d. The importance of the services provided by the proposed facility to the community;*
- e. The necessity to the facility of a waterfront location, where applicable;*
- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;*
- g. The compatibility of the proposed use with the existing and anticipated development;*
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program or that area;*

- i. *The safety of access to the property in times of flood for ordinary and emergency vehicles;*
- j. *The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,*
- k. *The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.*

§21-0603.H.1 of the Municipal Code includes additional considerations for variances:

- 1. *Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items (a-k) in subsection (G)(5) above have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.*
- 2. *Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or any state or local inventory or register of historic places without regard to the procedures set forth in the remainder of this section.*
- 3. *Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.*
- 4. *Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.*
- 5. *Variances shall be issued only upon:*
 - a. *A showing of good and sufficient cause;*
 - b. *A determination that failure to grant the variance would result in exceptional hardship to the applicant; and*
 - c. *A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.*
- 6. *Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.*

Staff Analysis:

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

Minimal probability

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

Minimal probability

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

Minimal probability

d. The importance of the services provided by the proposed facility to the community;

The facility provides psychiatric care services to the community. In a flood situation, it would not be important to the critical stability of the city infrastructure.

e. The necessity to the facility of a waterfront location, where applicable;

Not applicable. The proposed improvement is not in the MDZS or the LDZS river setback zones.

f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

The proposed use would be allowed by-right within the UMU (University Mixed-Use), NO (Neighborhood Office), NC (Neighborhood Commercial), GO (General Office), LC (Limited Commercial), DMU (Downtown Mixed-Use), GC (General Commercial), and LI (Limited Industrial) zoning districts. There are vacant properties outside of the 41-foot WSEIA and 100-year floodplain within these zoning districts. However, an alternative location would not allow for continued use of the existing building.

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

There is no proposed change in use. The use is compatible with existing and anticipated development at this location.

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

No inconsistencies have been identified in relation to the comprehensive plan. Floodplain management is related to the City's floodproofing policies as part of the FEMA BFE and the 41' WSEIA elevation requirements.

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

Access may be questionable as servicing roadways may become inundated during storm sewer overflows or heavy rainfall events. The applicant will need to understand this potential risk as staff has no data to suggest that the requested variance would result in an increased or decreased safety of access.

j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

Staff has no data to confirm the effects of flooding as a result of overland flooding or storm sewer overflows.

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

Costs associated with government services during or after flood conditions will not change due to this variance.

Since this is a variance request to Article 21-06 (Flood Plain Management) related to floodproof construction, the Zoning Administrator defers to the Building Official/Flood Plain Administrator as well as the City Engineer for current and future floodplain management. This application was reviewed by the City's Planning and Development, Engineering, and Building Inspections Departments ("staff"), whose comments are included in this report.

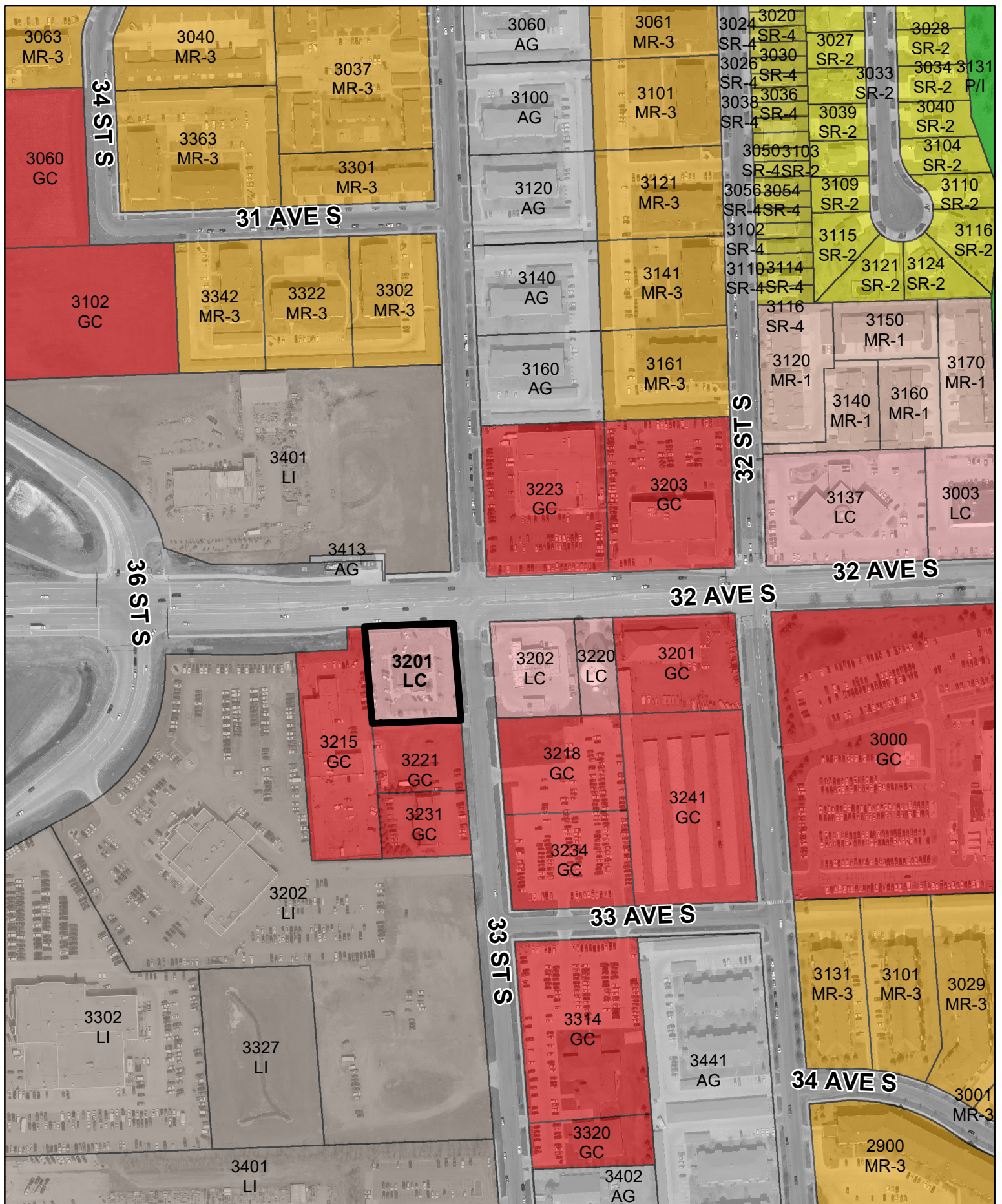
Staff finds that the proposed variance is somewhat unique in that the proposed variance would violate elevation standards established by the City of Fargo, specifically the Special Flood Hazard Area (100-year floodplain) established by FEMA and Fargo 2' minimum freeboard requirement. The City of Fargo has worked with FEMA to secure an exemption to federal standards in order to allow the construction of basements when properly floodproofed. While the option for variance exists to provide relief from floodproofing requirements in situations resulting in hardship, the City has been warned by FEMA that abuse of the variance provision could result in a loss of the current city-wide basement exemption that

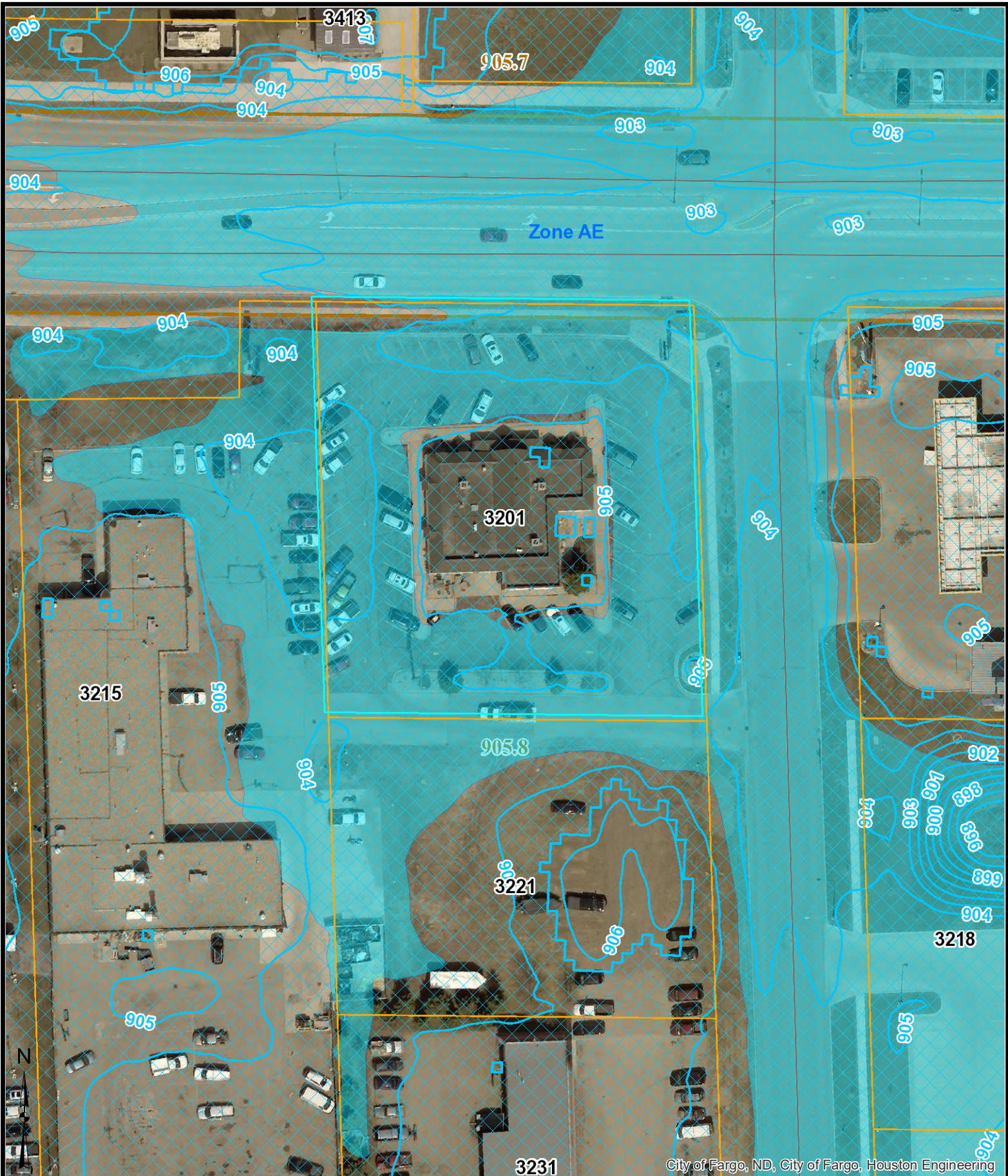
FEMA has granted the City of Fargo. Staff feels that this variance will not affect the City of Fargo's basement exemption due to the minimal variance required.

Ultimately, staff is in support this request for variance. Staff finds that with the elevating of the proposed building addition footprint to be constructed above the FEMA BFE and meeting the state requirement of BFE plus 1 foot, the structure is reasonably safe from flooding.

Staff recommends that any granting of a variance be conditioned upon the applicant agreeing to a waiver of liability against the City. Engineering staff would work with the City Attorney's Office to draft an acknowledgment form that would outline the owner's decision to not follow the City's floodproof construction requirements. The purpose of this document would be to provide additional protection to the City from unforeseen issues that may arise as a result of the variance.

Staff Recommendation: "To accept the findings of staff and hereby approve the requested variance on the basis that the review considerations of Section 21-0603 have been satisfied, with the condition that the applicant sign and submit a waiver of liability against the City."





City of Fargo, ND, City of Fargo, Houston Engineering

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

FEMA Special Flood Hazard Area & 41' WS

THE CITY OF
Fargo
FAR MORE

1:1,128

8/19/2020 1:24:50 PM

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



PLANNING AND DEVELOPMENT
200 Third Street North
Fargo, North Dakota 58102
Phone: (701) 241-1474
Fax: (701) 241-1526
E-Mail: planning@cityoffargo.com
www.cityoffargo.com

FLOOD PLAIN MANAGEMENT VARIANCE APPLICATION (\$21-0603)

The Board of Adjustment is authorized to grant variances from the Flood Plain Management requirements of Article 21-06 of the Fargo Municipal Code, pursuant to the considerations and standards of Section 21-0603.

Please contact the Fargo Department of Planning and Development to schedule a pre-application meeting prior to submitting this application.

The following must accompany this application form:

- Site plan illustrating existing and proposed buildings, property lines, and other applicable information relevant to the requested variance.
- Building plans illustrating information relevant to the requested variance.
- Application fee.

Property Owner Information
Name (<i>printed</i>): <u>St. Sophie's LLC</u> <u>Dr. Emmet Kenney</u>
Address: <u>3201 33rd St s, Fargo ND, 58104</u>
Primary Phone: <u>701 365 4488</u>
Alternative Phone: _____
Email: <u>dr.kenney@st-sophies.com</u>

Representation Information (<i>primary contact</i>)
Name (<i>printed</i>): <u>Brian T. Pattengale</u>
Company <u>Houston Engineering, Inc.</u>
Address: <u>1401 21st Ave N, Fargo ND 58102</u>
Primary Phone: <u>701 499 2071</u>
Alternative Phone: <u>701 237 5065</u>
Fax: <u>701 237 5101</u>
Email: <u>bpattengale@houstoneng.com</u>
<input type="checkbox"/> Same as property owner

Location of property for which variance is being requested:
Address: <u>3201 33rd Street s</u>
Zoning District: <u>LC Limited Commercial</u>
Legal Description: <u>Lot 2, Block 1 of Davron First Addition</u>

Acknowledgement – I hereby acknowledge that I have familiarized myself with the rules and regulations to the preparation of this submittal and that the foregoing information is true and complete to the best of my knowledge. I, the undersigned, do hereby petition the Board of Adjustment of the City of Fargo, North Dakota, to take such action as may be required by law of the City of Fargo to grant a variance pursuant to Section 21-0603 of the Fargo Municipal Code.	
Owner (<i>Signature</i>): _____	Date: _____
Representative (<i>Signature</i>) <u>Brian T. Pattengale</u>	Date: <u>7/20/2020</u>
Note: A nonrefundable application fee of \$185.00 must be accompanied with the application at time of submittal.	

Office Use Only
Date Filed: <u>7-20-2020</u> Planning Contact: _____ Nonrefundable Fee <u>\$185.00</u> <u>CK #045972</u>

Houston Engineering, Inc.
1401 21st Ave. N.
Fargo, ND 58102-1814



PLANNING AND DEVELOPMENT
200 Third Street North
Fargo, North Dakota 58102
Phone: (701) 241-1474
Fax: (701) 241-1526
E-Mail: planning@cityoffargo.com
www.cityoffargo.com

FLOOD PLAIN MANAGEMENT VARIANCE APPLICATION (§21-0603)

The Board of Adjustment is authorized to grant variances from the Flood Plain Management requirements of Article 21-06 of the Fargo Municipal Code, pursuant to the considerations and standards of Section 21-0603.

Please contact the Fargo Department of Planning and Development to schedule a pre-application meeting prior to submitting this application.

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- Building plans illustrating information relevant to the requested variance.
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Property Owner Information	Representation Information (primary contact)
Name (printed): <u>3201 Landlord, LLC</u> <u>Dr. Emmet Kenney</u>	Name (printed): <u>Brian T. Pattengale</u>
Address: <u>3201 33rd St s, Fargo ND, 58104</u>	Company <u>Houston Engineering, Inc.</u>
Primary Phone: <u>701 365 4488</u>	Address: <u>1401 21st Ave N, Fargo ND 58102</u>
Alternative Phone: _____	Primary Phone: <u>701 499 2071</u>
Email: <u>dr.kenney@st-sophies.com</u>	Alternative Phone: <u>701 237 5065</u>
	Fax: <u>701 237 5101</u>
	Email: <u>bpattengale@houstoneng.com</u>
	<input type="checkbox"/> Same as property owner

Location of property for which variance is being requested:	
Address:	<u>3201 33rd Street s</u>
Zoning District:	<u>LC Limited Commercial</u>
Legal Description:	<u>Lot 2, Block 1 of Davron First Addition</u>

Acknowledgement – I hereby acknowledge that I have familiarized myself with the rules and regulations to the preparation of this submittal and that the foregoing information is true and complete to the best of my knowledge. I, the undersigned, do hereby petition the Board of Adjustment of the City of Fargo, North Dakota, to take such action as may be required by law of the City of Fargo to grant a variance pursuant to Section 21-0603 of the Fargo Municipal Code.	
Owner (Signature): <u>[Signature]</u>	Date: <u>7/27/20</u>
Representative (Signature) _____	Date: _____
Note: A nonrefundable application fee of \$185.00 must be accompanied with the application at time of submittal.	

Office Use Only		
Date Filed: _____	Planning Contact: _____	Nonrefundable Fee \$185.00: _____

Proposed Variance Information:
(Attach additional pages, if needed)

Please list all Flood Plain Management standards for which you are seeking a variance (e.g. elevation of lowest opening, fill adjacent to building, floodproof construction standards).

See Attached Document

Please describe difference between the standard(s) and the proposed variation (e.g. The standard would require a lowest opening elevation of 901.5 ft. and my project would propose a lowest opening elevation of 900.7 ft.).

See Attached Document

Please explain your project, describing why you are requesting a variance and why you believe a variance is justified. Along with your project description, please include a site plan/diagram with dimensions.

See Attached Document

Please explain how failure to grant the variance would result in exceptional hardship.

See Attached Document

Considerations for Approval:

Please explain how your requested variance satisfies the following considerations, pursuant to Section 21-0603 of the Fargo Municipal Code: (Attach additional pages, if needed.)

- a. The danger that materials may be swept onto other lands to the injury of others;
See Attached Document

- b. The danger to life and property due to flooding or erosion damage;
See Attached Document

- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
See Attached Document

- d. The importance of the services provided by the proposed facility to the community;
See Attached Document

- e. The necessity to the facility of a waterfront location, where applicable;
See Attached Document

- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
See Attached Document

- g. The compatibility of the proposed use with the existing and anticipated development;
See Attached Document

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
See Attached Document

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
See Attached Document

j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
See Attached Document

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.
See Attached Document

Proposed Variance Information

Please List all Flood Plain Management Standards for which you are seeking a variance:

Elevation of lowest opening, fill adjacent to building, fill 15' from building at or above Base Flood Elevation

Please describe difference between the standard(s) and the proposed variation:

The Standard for Lowest opening elevation of 41' Water surface elevation inundation area (WSEIA) plus 1.2' or Base Flood Elevation of plus 2' which ever is higher. The 41' WSEIA is 905.80 for the area and require a low opening elevation of 907.00. The proposed project would provide a low opening of 905.90.

The Standard for Fill adjacent to building is required to be 41' WSEIA plus 0.7'. The 41' WSEIA is 905.80 for the area and require fill at 906.50. The proposed project would provide grade adjacent to the building of 905.70.

The Standard for fill 15' from the building shall be at FEMA BFE. Current BFE per panel 0779G is 905. The proposed variance would eliminate this requirement.

Please explain your project, describing whe you are requesting a variance and why you believe a variance is justified. Along with your project description, please include a site plan/diagram with dimensions.

The proposed project is an addition to the existing building and remodel of the existing structure to provide additional exam rooms and provider space to the existing facility. The existing structure was constructed prior to the current Flood Plain Management Standards and Floodproofing requirements. The existing structure is not located within the current effective FEMA Floodplain and the existing finished floor elevation of the structure was surveyed to be above the 41' WSEIA.

The variance to the standards is justified as the addition to the building will be at the same finished floor elevation of the existing structure which places it above the both the FEMA BFE and 41' WSEIA. The addition will all be designed for a LOMR-F to be completed after its construction removing it from the FEMA Floodplain. The new addition would be reasonably safe from the effect of river based flood event.

Please explain how failure to grant the variance would result in exceptional hardship:

Failure to grant the variance would require that the addition be constructed at an elevation 1.1' above the current finished floor elevation of the building. The difference in elevation would not allow the addition to have the connectivity with the existing building or meet the requirements of the ADA for access. The elevation difference of the addition and finished floor would be too great to manage and the addition could not be constructed. Without the variance the facility cannot be expanded and would require relocation of the facility to another location or complete demolition and reconstruction of the existing building to allow for expansion of the building.

Consideration for Approval

Please explain how you request variance satisfies the flowing consideration, pursuant to Section 21-0603 of the Fargo Municipal Code:

- a. The danger that materials may be swept onto other land to the injury of others;**
The project location is located approximately 2 miles from the river channel. Floodwater velocities are likely to be minimal and flooding is most like due to intrusion of the floodwater to the storm sewer system. As such there is little if any danger that materials may be swept onto other lands.
- b. The Danger to life and property due to flooding or erosion damage;**
Property is located within the City of Fargo's flood protection perimeter and is a nonresidential structure. Should flooding occur due to river based flooding sufficient time would be available to evacuate the building occupants. Erosion damage would not be anticipated due to the distance from the river channel and likely low velocities of any floodwater. The existing building and proposed addition would be located above both the FEMA BFE and 41' WSEIA and would be minimally susceptible to flood damage.
- c. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owners;**
The existing building and proposed addition would not be located in the FEMA Floodplain and above the 41' WSEIA. Based on this building should be minimally susceptible to flood damage. Note the existing building is not located within the FEMA Floodplain and the addition would have a LOMR-F completed after its construction.
- d. The importance of the services provided by the proposed facility to the community;**
The Facility provides psychiatric care for the Fargo Moorhead area.
- e. The necessity to the facility of a waterfront location, where applicable;**
Not applicable, facility does not need waterfront location and is not located on the waterfront.
- f. The availability of alternative location for the posed use which are not subject to flooding or erosion damage;**
The 41' WSEIA affects a large portion of the City including many developed areas. As the many developed areas of the City were constructed prior to the implementation of the floodproof construction requirements many sites do not fully comply with the requirements. As the proposed variance is for an addition to the existing building alternative locations would require construction of a new facility or complete remodel of an existing facility. Alternative locations on the site are not available as it would require demolition and reconstruction of the existing building to bring the site into compliance with regulations and requirements.
- g. The compatibility of the proposed use with the existing and anticipated development;**
Proposed addition is an expanse of the current use. Area is zoned limited commercial and surrounding properties are a mix of commercial uses. Addition would be compatible with current zoning and the surrounding uses.
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;**
Proposed addition meets current land use standards for the area.

i. The safety of access to the property in times of flood for ordinary and emergency vehicles.

The property is located behind the City of Fargo lines of flood protection and access to the site during flood events is not expected to be impacted. Should a breach of the flood protection measures occur site has access via I-29 and 32nd Ave. Floodwater depths for a 100-yr river flood event on site would be less than 12" in depth.

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;

Bases on the 41' WSEIA elevation for the property the depths of floodwater in adjacent streets would be approximately 1' to 2'. As the floodwaters are due to intrusion of the river to the storm sewer velocity of the floodwaters would be minimal if any. As the site is located behind the City of Fargo Line of flood protection, the duration, rate of rise, and sediment transport are unknown. Without City Flood protection the duration and rate of rise is anticipated to be similar to typical flood events for the area. Wave action is not anticipated at the site.

k. The cost 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, streets and bridges.

The existing city and public infrastructure adjacent to the project are existing and do not meet the current elevation standards for floodproof construction. Construction of the project and granting of the variance should not affect any cost to provide service during or after flood conditions. The proposed addition does not require additional sewer or water services be provided the building.

National Flood Hazard Layer FIRMeTte



96°50'21"W 46°50'7"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, AE9
	With BFE or Depth Zone AE, AO, AH, VE, AP
OTHER AREAS OF FLOOD HAZARD	Regulatory Floodway
	0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone 1
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee. See Notes. Zone X
OTHER AREAS	Area with Flood Risk due to Levee Zone 0
	NO SCREEN Area of Minimal Flood Hazard Zone X
	Effective LOMRs
GENERAL STRUCTURES	Area of Undetermined Flood Hazard Zone 0
	Channel, Culvert, or Storm Sewer
OTHER FEATURES	Levee, Dike, or Floodwall
	Cross Sections with 1% Annual Chance Water Surface Elevation
MAP PANELS	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	Digital Data Available
	No Digital Data Available
	Unmapped

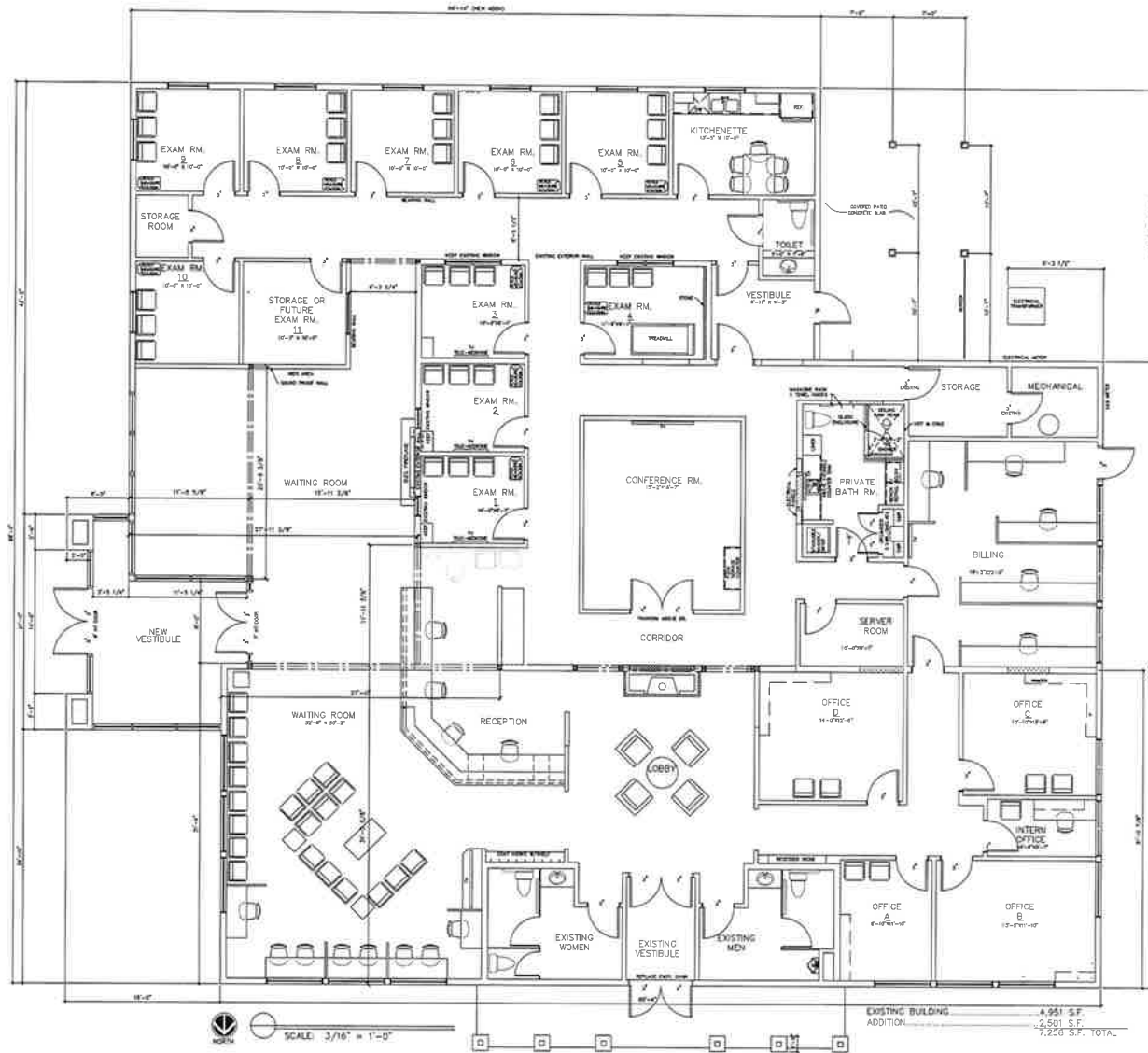



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

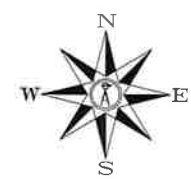
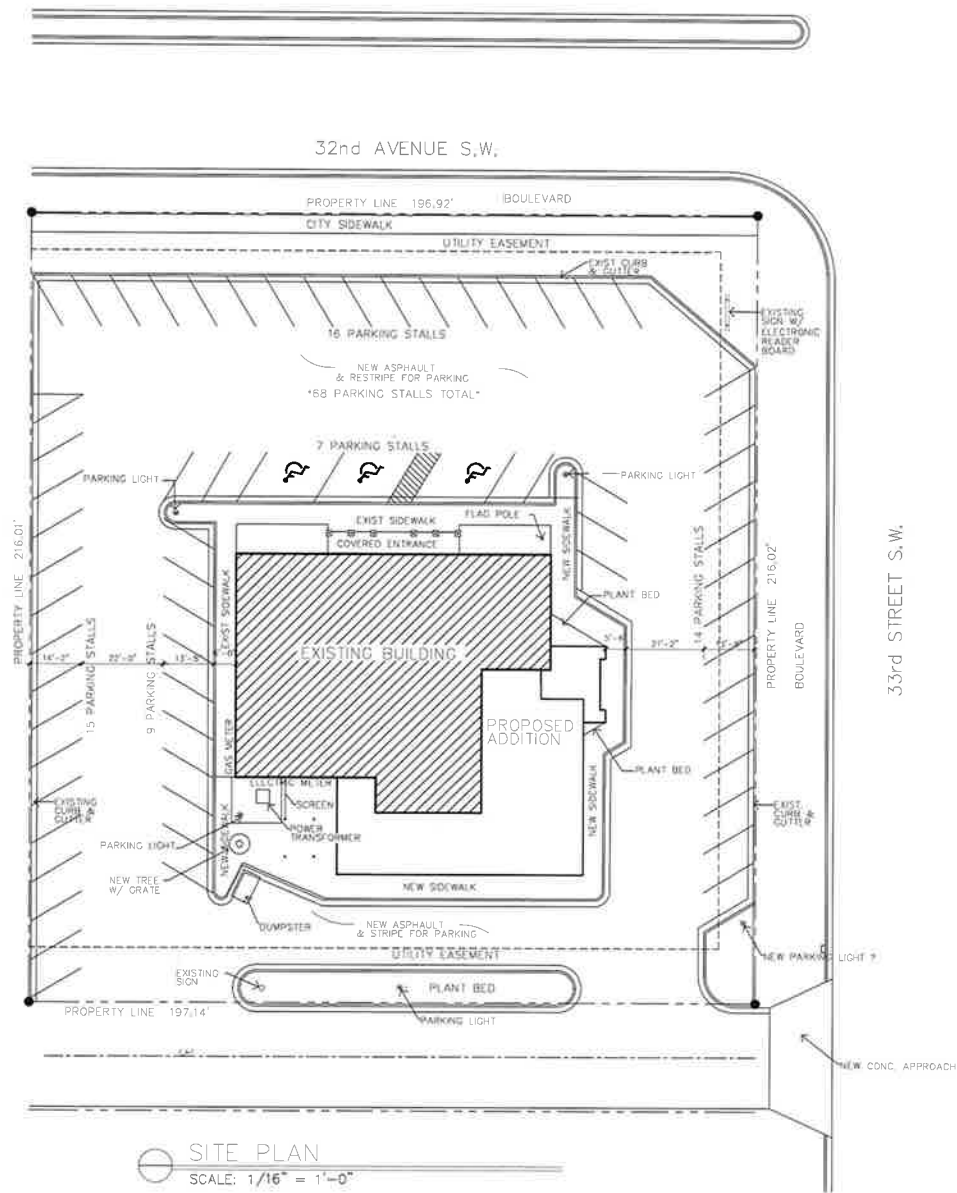
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/20/2020 at 2:42 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.




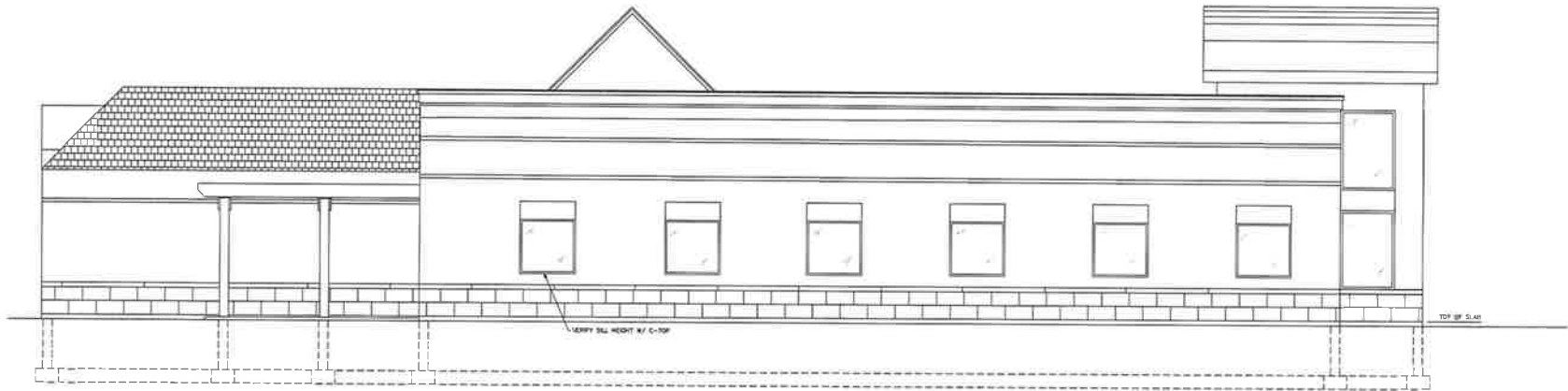
 SCHMIT BROTHERS CONSTRUCTION, INC.	2515 12TH ST. N. FARGO ND 58102 PHONE 701.292.1979 FAX 701.292.1493	St Sophie's 3157 32nd Ave S Fargo, ND	Addition Drawn By: AJM	Date: 4.16.2020 C:\Users\Ajm\OneDrive\Documents\Sophie's\St Sophie's 2020\1A_Sophie's



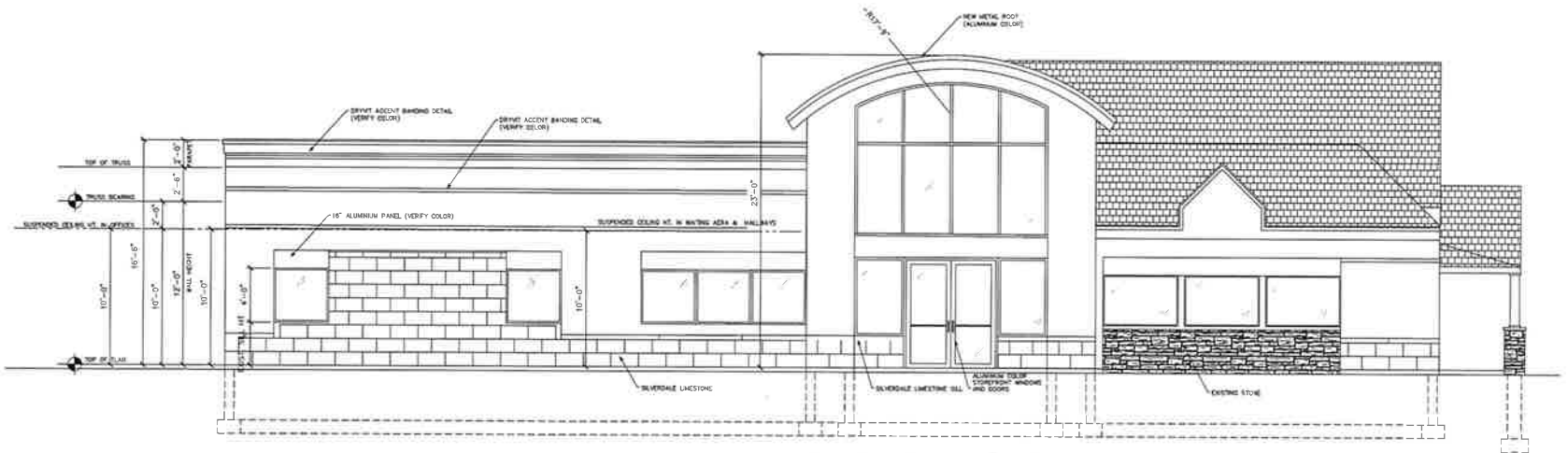
LEGAL DESCRIPTION
 ADDRESS: 3201 32ND STREET S.W.
 LEGAL DESCRIPTION: LOT 3, BLOCK 1, SAURON FIRST
 ADDITION TO THE CITY OF FARGO,
 CASS COUNTY, NORTH DAKOTA


SITE PLAN
 SCALE: 1/16" = 1'-0"

 SCHMIT BROTHERS CONSTRUCTION, INC.	2515 12TH SW. FARGO ND 58102 PHONE 701.292.1979 FAX 701.292.1459	St Sophie's 3187 32nd Ave S Fargo, ND	Addition Drawn By: AM	Date: 3.10.2020 © Victor M. Schmit Brothers Construction, Inc. 2020/1/10



 SOUTH SIDE ELEVATION
SCALE: 1/4" = 1'-0"



 EAST SIDE ELEVATION
SCALE: 1/4" = 1'-0"

DATE: 4.1.2020
DRAWN BY: AIM
CHECKED BY: [Signature]
PROJECT: St Sophie's

Addition
Drawn By: AIM

St Sophie's
3137 32nd Ave S
Farago, ND

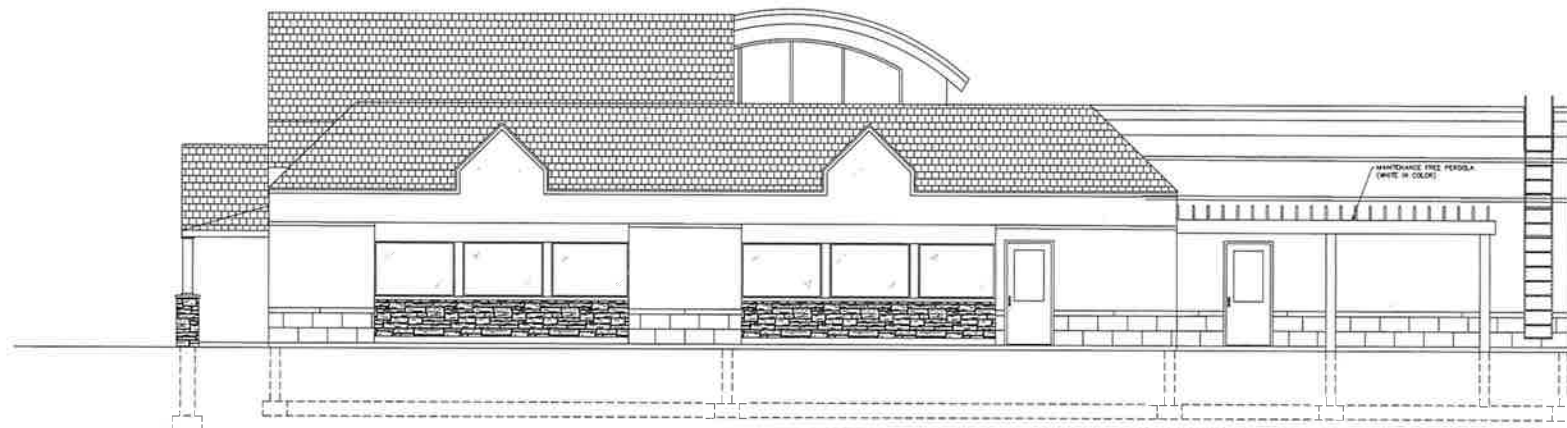
2515 12TH ST. N.
FARGO ND 58102
PHONE 701.222.1979
FAX 701.222.1498

SCHMIT
BROTHERS
CONSTRUCTION, INC.





 NORTH SIDE ELEVATION
SCALE: 1/4" = 1'-0"



 WEST SIDE ELEVATION
SCALE: 1/4" = 1'-0"

DATE: 4.11.2020
DRAWN BY: AJM
CHECKED BY: [Signature]

Addition
Drawn By: AJM

St Sophie's
3137 32nd Ave S
Fargo, ND

2515 12TH ST.
FARGO ND 58102
PHONE 701.292.1979
FAX 701.292.7498

SCHMIT
BROTHERS
CONSTRUCTION, INC.



