BOARD OF ADJUSTMENT
MINUTES

Regular Meeting: Tuesday: October 27, 2015

The Regular Meeting of the Board of Adjustment of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 9:00 o'clock a.m., Tuesday, October 27, 2015.

The Members present or absent were as follows:

Present: Deb Wendel-Daub, Dominic Fischer, Russell Ford-Dunker, Michael Love, Mark Lundberg

Absent: None

Chair Wendel-Daub called the meeting to order.

Item 1: Approve Order of Agenda
Member Fischer moved the Order of Agenda be approved as presented. Second by Member Love. All Members present voted aye and the motion was declared carried.

Item 2: Approval of Minutes: Regular Meeting of September 22, 2015
Member Ford-Dunker moved the minutes of the September 22, 2015 Board of Adjustment meeting be approved. Second by Member Lundberg. All Members present voted aye and the motion was declared carried.

Item 3: Old Business
a) Variance Request – 3333 39th Street South
Request for a variance of Article 21-06 of the Municipal Code. The requested variance is to allow earth fill around a proposed building to be approximately 1.5 feet lower than what is required by the City's Floodproofing Code: DENIED
A Hearing had been set for August 25, 2015. At the August 25, 2015 meeting the Hearing was continued to September 22, 2015. At the September 22, 2015 meeting the Hearing was continued to this date and time.

Planner Aaron Nelson presented the staff report and background on this item. He noted the continuation from the August meeting provided the applicant time to submit additional technical documentation requested by the City's Engineering Department. Mr. Nelson stated that based on the criteria and guidelines used by staff for review of this proposal, staff is recommending denial for the requested variance.

City Division Engineer Nathan Boerboom stated he concurs with staff and supports the recommendation for denial.

Applicant representative Elissa Novotny Leino spoke on behalf of the requested variance.

Board discussion began regarding the possible recommendations that could be voted on today and the options the applicant can pursue.

Member Ford-Dunker moved the findings of staff be accepted and to withhold approval of the requested variance to allow earth fill around a proposed building to be approximately 1.5 feet lower than what is required by the City's Floodproofing Code, and to allow the matter to be taken up by the Board of City Commissioners, based on analysis of those criteria contained in Flood Plain Management Code (FMC) Section 21-0603. Second by Member Love. Upon call of the roll Members Love and Ford-Dunker voted aye. Members Fischer, Lundberg, and Wendel-Daub voted nay. The motion was declared failed and the variance was declared denied for lack of a supermajority.

Item 4: Other Business
No other business was discussed.

Item 5: Adjournment:
Member Love moved to adjourn the meeting at 9:28 a.m. Second by Member Fischer. All Members present voted aye and the motion was declared carried.