

It looks like they are proposing a fill elevation around the structure that only gets them to BFE + 0.1'. I don't know that the applicant has successfully demonstrated that filling only to BFE + 0.1' is the minimum relief necessary to address the hardship caused by the lot lines – they could potentially fill to BFE + 1' and provide 15' of fill wherever possible given the lot-line constraints, and simply limit the extents of this fill where they approach the lot line so that they do not encroach upon the neighboring property/to avoid the concerns about surface runoff. I see they also cite the existing slab elevation for the attached garage as a complicating factor that prevents compliance, but it seems like elevating/re-pouring this slab at a higher elevation would also be an option.

As an additional note, the answers to question 1B state that “allowing this lesser variance would still exclude the parcel and structure from the special flood hazard as in accordance with Code of Federal Regulations (CFR) 44...” While I know you're already aware of this, it might be worth clarifying to the applicant that just because a structure is filled with a Lowest Adjacent Grade above BFE does not mean that it is technically excluded from the SFHA – it may comply with FEMA minimum requirements for construction in the floodplain, but it's not actually excluded from the floodplain unless it receives a LOMR-F and meets all the removal requirements of your ordinance (BFE + 2', contiguous to lands lying outside the floodplain).

Thanks,

Will

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Hi Hans,

I agree that this is in excess of the minimum relief necessary. I would also hammer home Will's point below about this structure not being removed from the SFHA. WI has higher standards for removal from the floodplain and explaining floodplain compliant is not the same as removed from the floodplain may help. As a staffer, I would not recommend this variance be granted.

Thank you,

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