Bismarck

Community Development Department

BISMARCK BOARD OF ADJUSTMENT
SPECIAL MEETING AGENDA
SEPTEMBER 20, 2012

2nd Floor Conference Room | 4:00 p.m. | City-County Office Building

MINUTES

1. **Minutes.** Minutes of the Special Meeting of the Board of Adjustment held August 23, 2012, will be presented for consideration at the next regularly scheduled meeting.

REQUESTS

2. **1785 Far West Drive** (Craig and Jewel Lambrecht). Request for a variance to eliminate/reduce the required 2 feet above the Base Flood Plain Elevation for the purpose of constructing a two story, 4,279 square feet, addition to the existing house (Lots 4 & 5, Block 1, Fox Island Subdivision).

3. **231 Sheehan Road** (Mathew Reichert). Request for a variance to reduce/eliminate the elevation requirement for an accessory building constructed in the Special Flood Hazard Area (100 Year Floodplain), for the purpose of constructing a 22' x 50' (1,100 square feet) addition to an existing accessory building that was not constructed at the required 2 feet above the Base Flood Elevation (Lot 2 and the West 15 feet of Lot 1, Block 2, Three Bears Subdivision).

4. **311 Enterprise Street** (HHM Properties, LLP). Request for a variance to eliminate or reduce the number of required parking stalls from 14 stalls with one stall being accessible, provided with an accessible aisle, to zero stalls, in conjunction with the proposed construction of a building for cold storage units (Lot G1 of Lot G and the South 24 feet of Lot H1 of Lot H, Block 11, Eastdale Addition).

5. **116 East Avenue B** (Cameron and Mary McCullough). Request for a variance to reduce the rear yard setback from 20 feet to 0 feet and reduce the side yard setback from 10 feet to 0 feet for the purpose of constructing a 24' x 24' (576 square feet) accessory building in the same location as the existing accessory building in the rear yard (the South 25 feet of the West 70.63 feet of the East 142.76 feet of Lot 3 and the South 7 feet of the West 24 feet of the East 142.76 feet of the North 50 feet of Lot 3 and the West 70.63 feet of the East 142.76 feet of Lot 4, Block 9, Northern Pacific Addition).

OTHER BUSINESS

6. **Other**.

ADJOURNMENT

7. **Adjourn.** The next regular meeting date is scheduled for October 4, 2012.

BISMARCK-BURLEIGH COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Lots 4 and 5, Block 1, Fox Island Subdivision – Floodplain Variance (1785 Far West Drive)

Status:	**Date:**
Board of Adjustment	September 6, 2012
Owner(s):	**Engineer / Architect:**
Craig and Jewel Lambrecht	None

Reason for Request:
Allow the construction of a 4,279 square foot, two (2) story addition to the existing residence, to match the grade of the original residence and attached garage. The original residence was constructed in 1979 (base flood elevation of 1634.20). Additions were added to the residence in 1998 (base flood elevation of 1634.00) and 2005 (base flood elevation of 1636.30).

Location:
On Fox Island on the south side of Far West Drive, west of Tavis Road.

Applicable Provision(s) of Zoning Ordinance:
Section 14-04-19(6)(b) (FP Floodplain District/Provisions for Flood Hazard Reduction/Residential Construction) states, "new construction and substantial improvement of any residential structure shall have the lowest floor, including basement and/or crawl space, elevated on fill and/or a permanent foundation to at least 2 feet above the base flood elevation."

Section 14-04-19(3) (FP Floodplain District/ Definitions/Substantial Improvement) states, "any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value as assessed of the structure either: before the improvement or repair is started." This addition would be considered a substantial improvement.

ADDITIONAL INFORMATION – VARIANCES FROM FLOODPLAIN PROVISIONS:

In considering appeals and variance applications, and in addition to the requirements outlined in Section 14-06-02 of the City Code of Ordinances (Powers and Duties), the Board of Adjustment shall consider all technical evaluations, all relevant factors, and the standards specified in this section, including:

1. The danger to life and property due to flooding or erosion damage;
2. The danger that materials may be swept onto other lands to the injury of others;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion;
7. The compatibility of the proposed use with the existing and anticipated development;

(continued...)

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

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

10. 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; and

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

FINDINGS:

Any Variance

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the RR zoning classification.

2. The hardship is not caused by the provisions of the Zoning Ordinance.

3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.

4. The requested variance is not the minimum variance that will accomplish the relief sought by the applicant.

5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance; however, it is doubtful that it would be injurious to the neighborhood or otherwise detrimental to the public welfare.

Floodplain Variance

1. The addition to the existing house may increase flood levels during the base flood discharge.

2. The variance is not the minimum necessary, considering the flood hazard, to afford relief.

3. The applicant has not shown good and sufficient cause for granting the variance.

4. A failure to grant the variance would not result in exceptional hardship to the applicant.

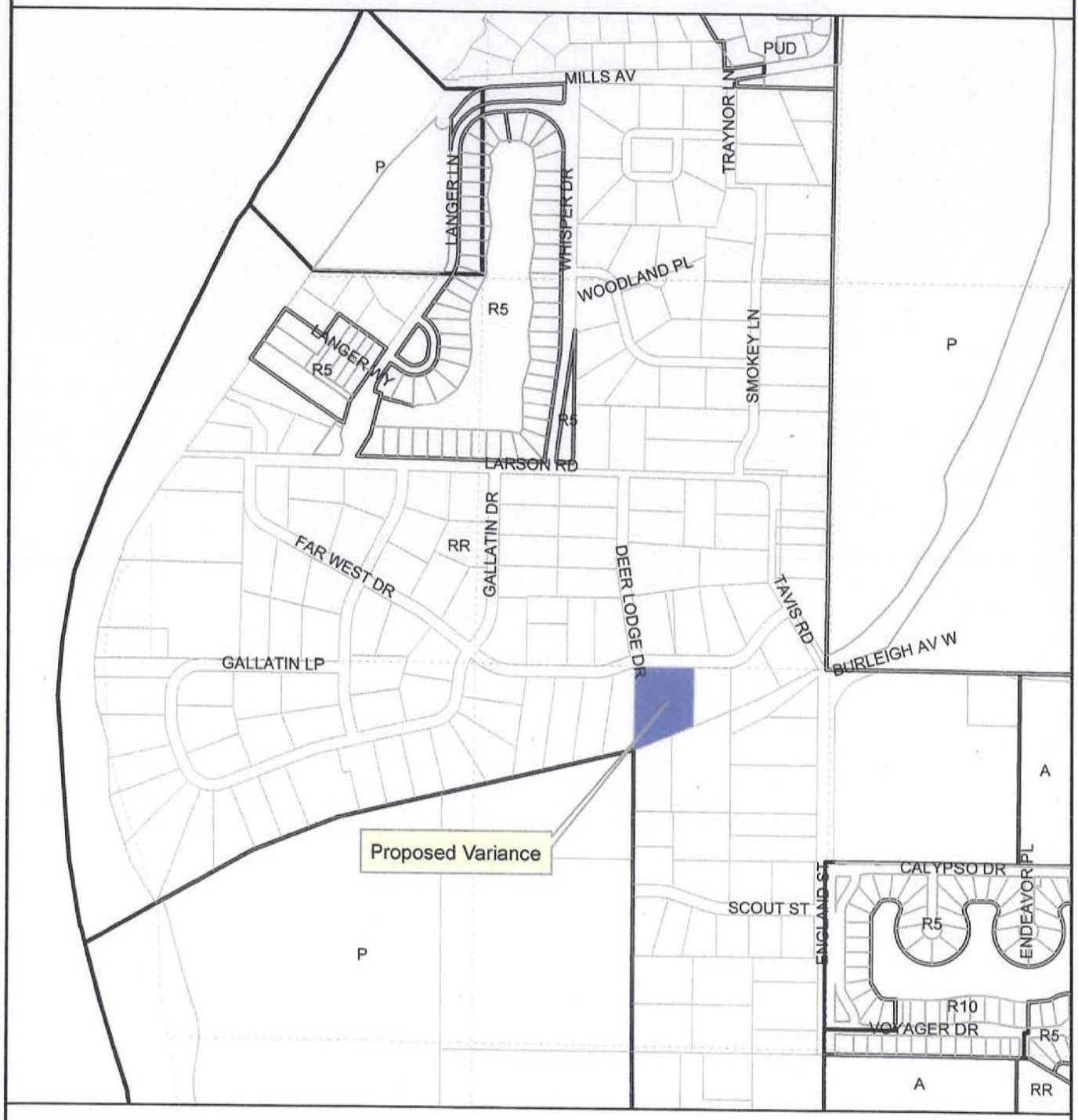
5. The granting of the variance may result in increased flood heights, additional threats to public safety, and conflict with existing local laws or ordinances. However, it is doubtful the granting of the variance would cause fraud or victimization of the public.

RECOMMENDATION:

Staff recommends reviewing the findings above and modifying them as necessary to support the decision of the Board.

If granted, the variance must be put to use within 24 months or it shall lapse and the landowner must reapply.

Proposed Floodplain Variance
Addition to Principal Building
1785 Far West Drive
Lots 4 and 5, Block 1, Fox Island Subdivision



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated heron.
Map was Updated/Created: August 22, 2012 (klee)

Source: City of Bismarck

N

0 850 1,700 Feet

Photo 7 of 14 01/21/2010

Photo 8 of 14 01/21/2010

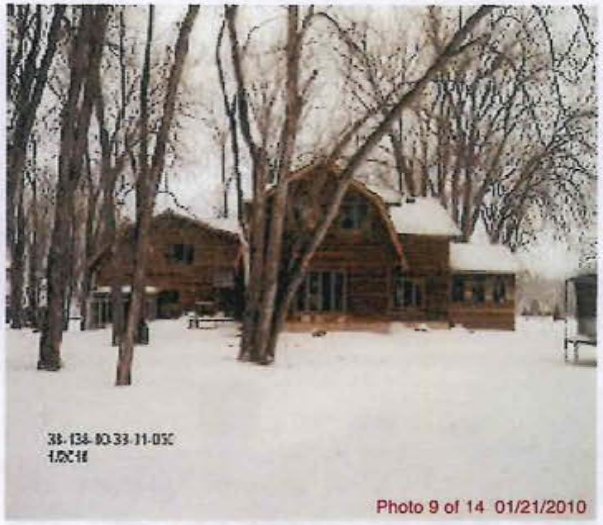


Photo 9 of 14 01/21/2010

Photo 10 of 14 01/21/2010

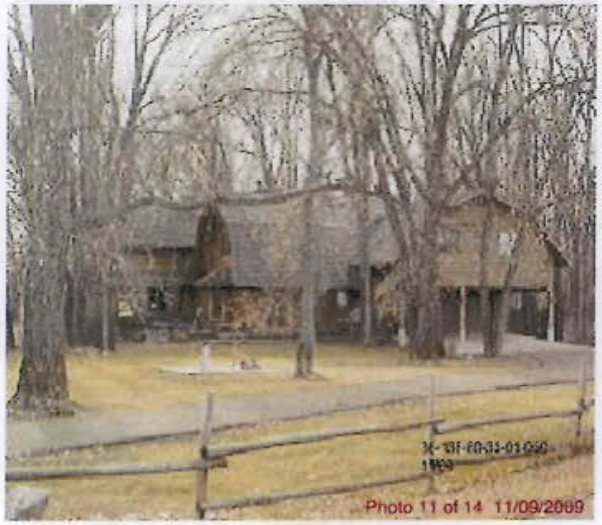


Photo 11 of 14 11/09/2009

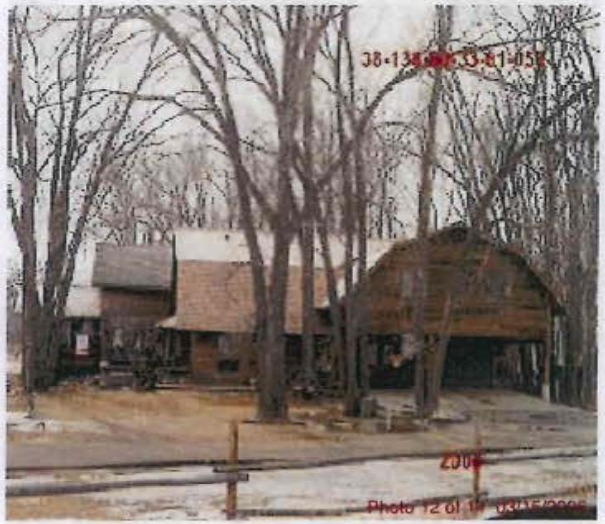
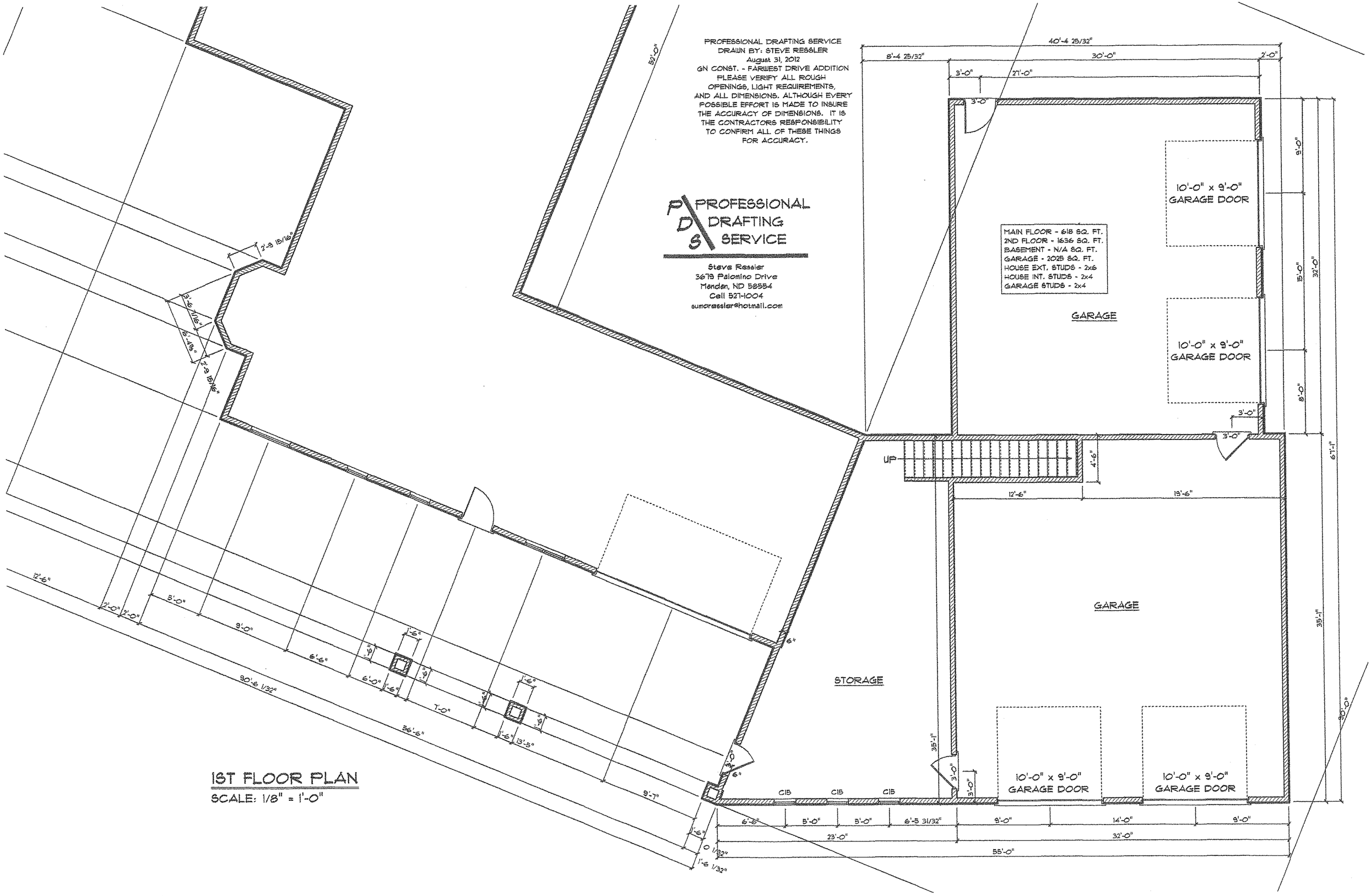


Photo 12 of 14

PROFESSIONAL DRAFTING SERVICE
DRAWN BY: STEVE RESSLER
August 31, 2012
GN CONST. - FARWEST DRIVE ADDITION
PLEASE VERIFY ALL ROUGH OPENINGS, LIGHT REQUIREMENTS, AND ALL DIMENSIONS. ALTHOUGH EVERY POSSIBLE EFFORT IS MADE TO INSURE THE ACCURACY OF DIMENSIONS. IT IS THE CONTRACTORS RESPONSIBILITY TO CONFIRM ALL OF THESE THINGS FOR ACCURACY.

PROFESSIONAL DRAFTING SERVICE

Steve Ressler
3679 Palomino Drive
Mandan, ND 58554
Cell 527-1004
sumcressler@hotmail.com

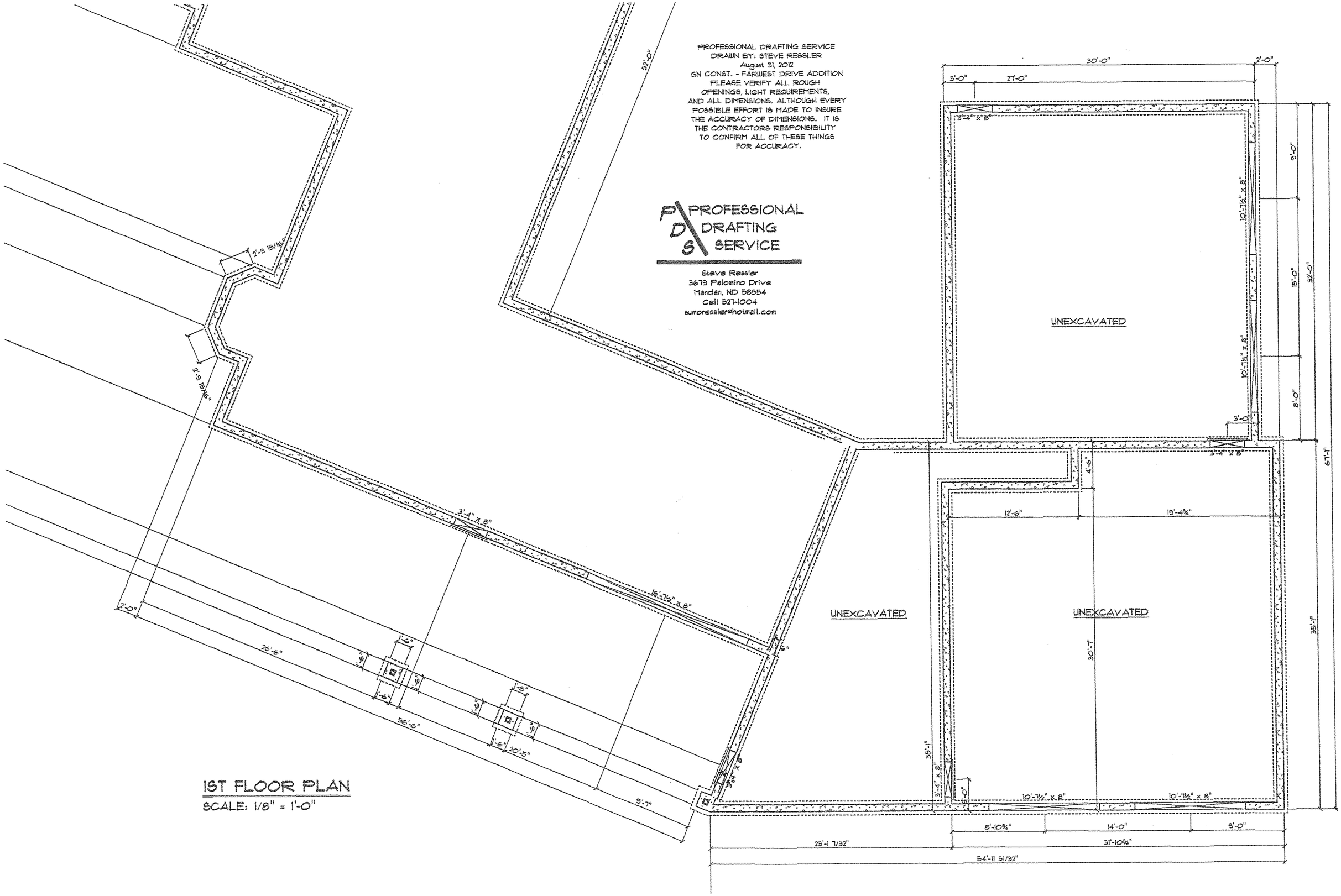


1ST FLOOR PLAN
SCALE: 1/8" = 1'-0"

PROFESSIONAL DRAFTING SERVICE
DRAWN BY: STEVE RESSLER
August 31, 2012
GN CONST. - FARWEST DRIVE ADDITION
PLEASE VERIFY ALL ROUGH OPENINGS, LIGHT REQUIREMENTS, AND ALL DIMENSIONS. ALTHOUGH EVERY POSSIBLE EFFORT IS MADE TO INSURE THE ACCURACY OF DIMENSIONS. IT IS THE CONTRACTORS RESPONSIBILITY TO CONFIRM ALL OF THESE THINGS FOR ACCURACY.

PROFESSIONAL DRAFTING SERVICE

Steve Ressler
3679 Palomino Drive
Mandan, ND 58554
Cell 527-1004
sumoressler@hotmail.com



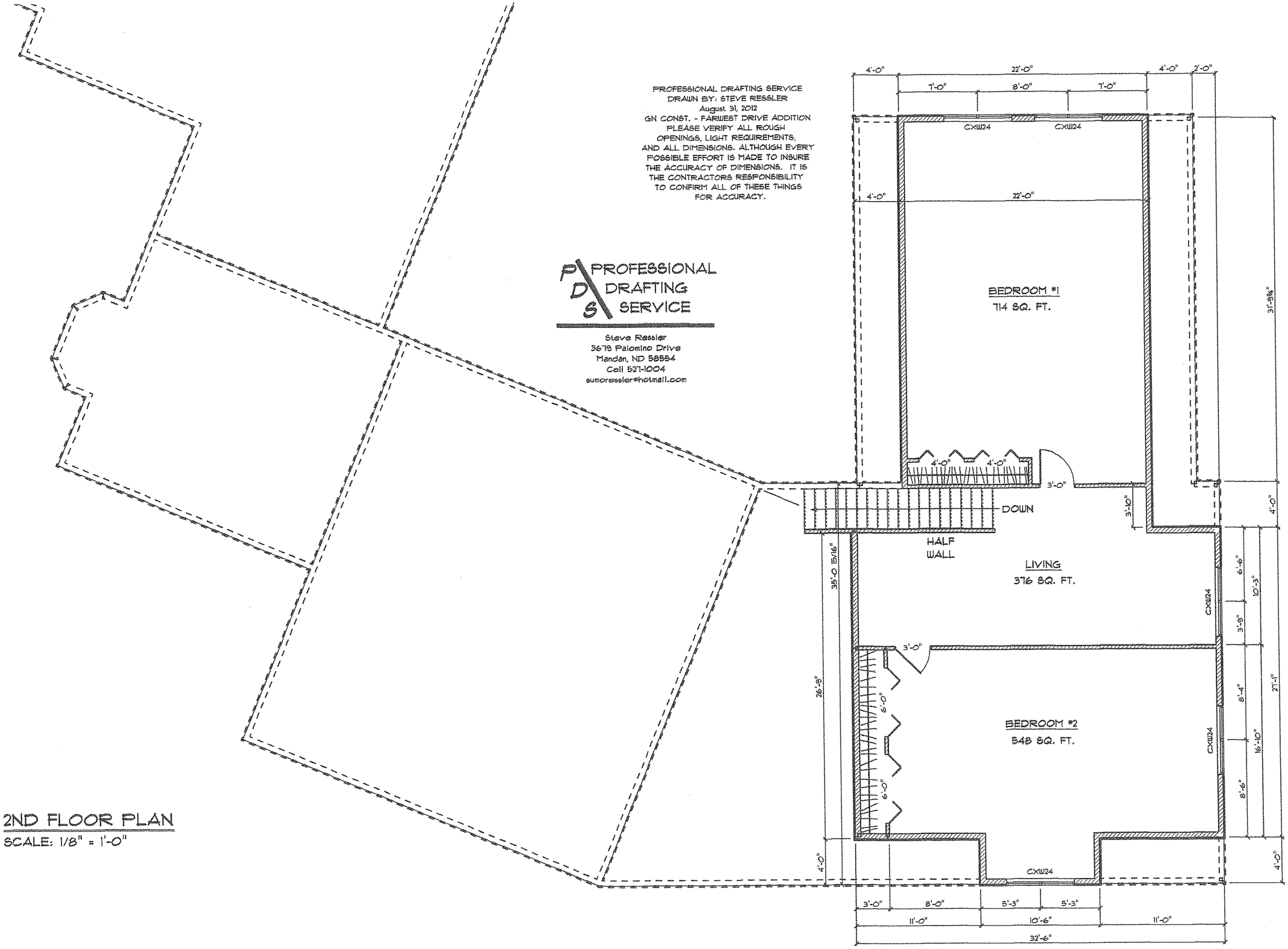
1ST FLOOR PLAN

SCALE: 1/8" = 1'-0"

PROFESSIONAL DRAFTING SERVICE
DRAWN BY: STEVE RESSLER
August 31, 2012
GN CONST. - FARWEST DRIVE ADDITION
PLEASE VERIFY ALL ROUGH OPENINGS, LIGHT REQUIREMENTS, AND ALL DIMENSIONS. ALTHOUGH EVERY POSSIBLE EFFORT IS MADE TO INSURE THE ACCURACY OF DIMENSIONS. IT IS THE CONTRACTORS RESPONSIBILITY TO CONFIRM ALL OF THESE THINGS FOR ACCURACY.

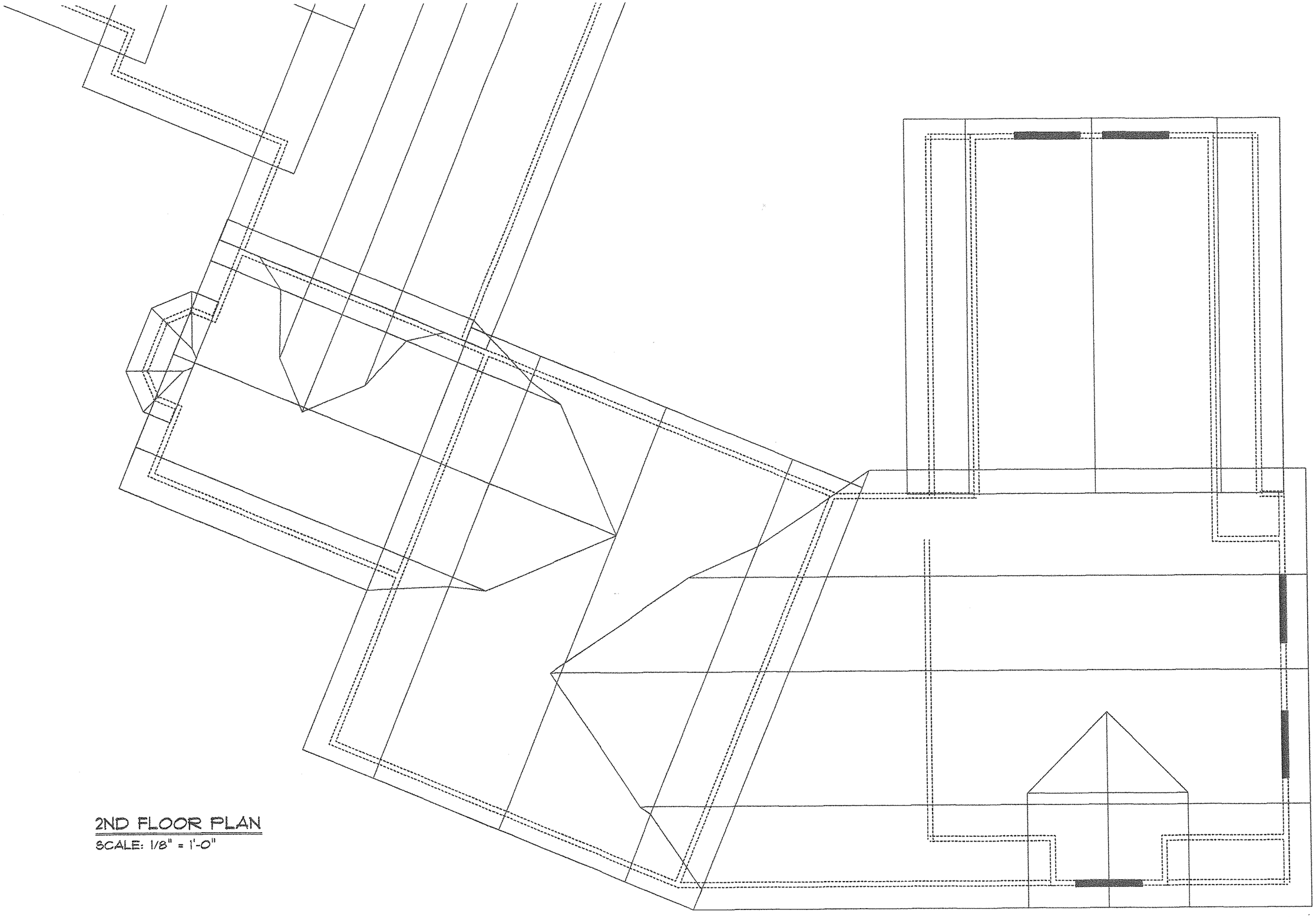
PROFESSIONAL DRAFTING SERVICE

Steve Ressler
3679 Palomino Drive
Mandan, ND 58554
Cell 527-1004
sumoressler@hotmail.com



2ND FLOOR PLAN

SCALE: 1/8" = 1'-0"



2ND FLOOR PLAN

SCALE: 1/8" = 1'-0"

Wollmuth, Jenny L.

From: Batesole, Monica S.
Sent: Thursday, September 13, 2012 11:49 AM
To: Wollmuth, Jenny L.
Subject: Support for Lambrechts' Request

I would like to make sure that the Bismarck Board of Adjustment is aware that my husband Vernon and I do support Craig and Jewel Lambrecht with their request to eliminate/reduce the variance that is required to put an addition on to their home.

Thank you

Monica Batesole
Customer Service Representative
Job Service North Dakota
1000 E Divide Ave
PO Box 5507
Bismarck ND 58506-5507
Phone: 701-328-xxxx
Fax: 701-328-2728

BISMARCK-BURLEIGH COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Lot 2 and the West 15 feet of Lot 1, Block 2, Three Bears Subdivision - Floodplain Variance (231 Sheehan Road)

Status:	**Date:**
Board of Adjustment	September 6, 2012
Owner(s):	**Engineer / Architect:**
Mathew Reichert	None

Reason for Request:
Eliminate the requirement to elevate a 1,100 square foot addition to an existing 1,140 square foot accessory building on fill to two (2) feet above the base flood elevation. The existing accessory building was constructed in 1998. At that time accessory buildings were not required to be constructed on fill above the base flood elevation.

Location:
On the south side of Sheehan Road, west of South Washington Street and north of 48th Avenue SW.

Applicable Provision(s) of Zoning Ordinance:
Section14-04-19(6)(b) (FP Floodplain District/Provisions for Flood Hazard Reduction/Accessory Buildings) states, "accessory buildings over 120 square feet in area shall be subject to the same construction requirements as the residential structure to which it is accessory. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement and/or crawl space, elevated on fill and/or a permanent foundation to at least two (2) feet above the base flood elevation." As this building is an addition to the existing building this would be classified as a substantial improvement.

Section 14-04-19(3) (FP Floodplain District/ Definitions/Substantial Improvement) states, "any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value as assessed of the structure either: before the improvement or repair is started." This addition would be considered substantial improvement.

ADDITIONAL INFORMATION – VARIANCES FROM FLOODPLAIN PROVISIONS:

In considering appeals and variance applications, and in addition to the requirements outlined in Section 14-06-02 of the City Code of Ordinances (Powers and Duties), the Board of Adjustment shall consider all technical evaluations, all relevant factors, and the standards specified in this section, including:

1. The danger to life and property due to flooding or erosion damage;
2. The danger that materials may be swept onto other lands to the injury of others;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion;
7. The compatibility of the proposed use with the existing and anticipated development;

(continued...)

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

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

10. 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; and

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

FINDINGS:

Any Variance

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the RR zoning classification.

2. The hardship is not caused by the provisions of the Zoning Ordinance.

3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.

4. The requested variance is not the minimum variance that will accomplish the relief sought by the applicant.

5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance; however, it is doubtful that it would be injurious to the neighborhood or otherwise detrimental to the public welfare.

Floodplain Variance

1. The 1,100 square foot addition to the existing accessory building may increase flood levels during the base flood discharge.

2. The variance is not the minimum necessary, considering the flood hazard, to afford relief.

3. The applicant has not shown good and sufficient cause for granting the variance.

4. A failure to grant the variance would not result in exceptional hardship to the applicant.

5. The granting of the variance may result in increased flood heights, additional threats to public safety and conflict with existing local laws or ordinances. However, it is doubtful the granting of the variance would cause fraud or victimization of the public.

RECOMMENDATION:

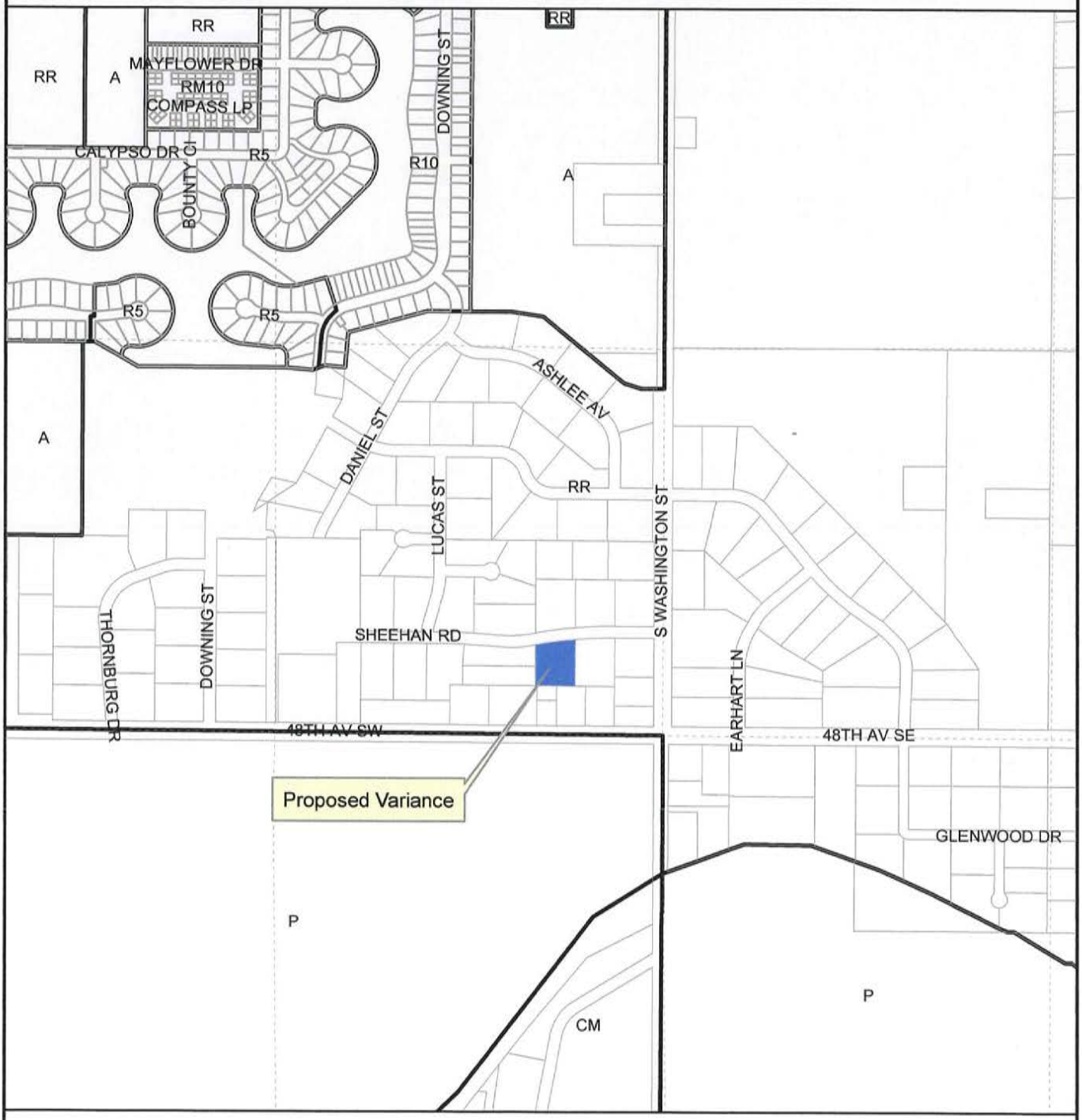
Staff recommends reviewing the findings above and modifying them as necessary to support the decision of the Board. Staff also recommends that if the variance is granted the following condition would apply:

(recommendation continued...)

1. A special use permit must be obtained if the total area of accessory buildings located on the property exceeds 2,400 square feet. Section 14-03-01(10) of the City Code of Ordinances permits the area of allowable accessory buildings for a single-family residence on a lot of this size in an RR – Residential zoning district to be increased to a maximum of thirty-two hundred (3,200) square feet, provided a special use permit is approved by the Planning Commission in accordance with provisions of Section 14-03-08.

If granted, the variance must be put to use within 24 months or it shall lapse and the landowner must reapply.

Proposed Floodplain Variance
Addition to Accessory Building
231 Sheehan Road
Lot 2 and the West 15 feet of Lot 1, Block 2, Three Bears Subdivision



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated heron.
Map was Updated/Created: August 22, 2012 (klee)

Source: City of Bismarck

N

0 850 1,700 Feet

231 Sheehan Rd.
Sheehan Rd.
Sheehan Rd
Proposed Addition
© 2012 Google
Google earth
Imagery Date: 9/4/2011
1991
46°45'09.57" N 100°47'47.87" W elev. 1633 ft
Eye alt 2466 ft

BISMARCK-BURLEIGH COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Lot G1 of Lot G and the South 24 feet of Lot H1 of Lot H, Block 11, Eastdale Addition – Parking Variance (311 Enterprise Street – City Air Mechanical storage units)

Status:	**Date:**
Board of Adjustment	September 6, 2012
Owner(s):	**Engineer/Architect:**
HHM Properties LLP	None

Reason for Request:
Reduce the number of required off-street parking spaces from 14 spaces to 0 spaces.

Location:
Along the north side of East Main avenue on the east side of Enterprise Street.

Applicable Provision(s) of Zoning Ordinance:

Section 14-03-10(1)(n) of the City Code of Ordinances (Off-street Parking and Loading – Wholesale, warehouses and storage buildings, lumberyards and all other similar facilities) requires, "one space for each six hundred (600) square feet of storage area." For the proposed facility, a total of 14 spaces would be required.

Section 14-03-01 of the code of City Ordinances (Off-street Parking and Loading) requires, "all off-street parking spaces required and all driveways on private property leading to such parking areas shall be surfaced with a dustless all-weather hard surface material." The elimination of required parking would also eliminate this hard surfacing requirement.

FINDINGS:

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the MA zoning classification.

2. The hardship is not caused by the provisions of the Zoning Ordinance.

3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.

4. The requested variance is not the minimum variance that will accomplish the relief sought by the applicant.

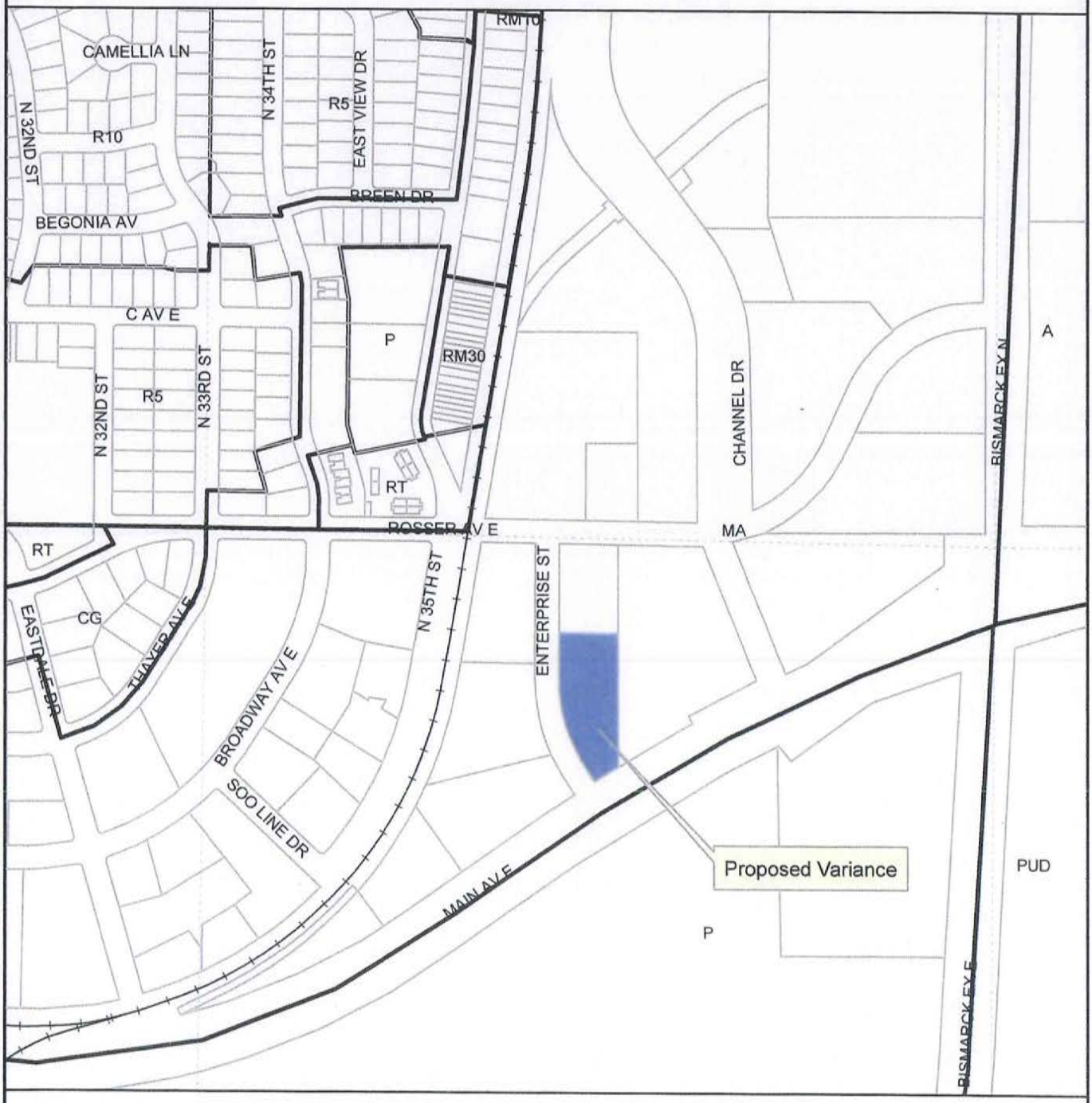
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance, and may be injurious to the neighborhood or otherwise detrimental to the public welfare.

RECOMMENDATION:

Staff recommends reviewing the above findings and modifying them as necessary to support the decision of the Board.

If granted, the variance must be put to use within 24 months or it shall lapse and the landowner must reapply.

Proposed Parking Variance
Eliminate Required Off-street Parking
311 Enterprise Street
Lot G1 of Lot G and the South 24 feet of Lot H1 of Lot H, Block 11, Eastdale Addition



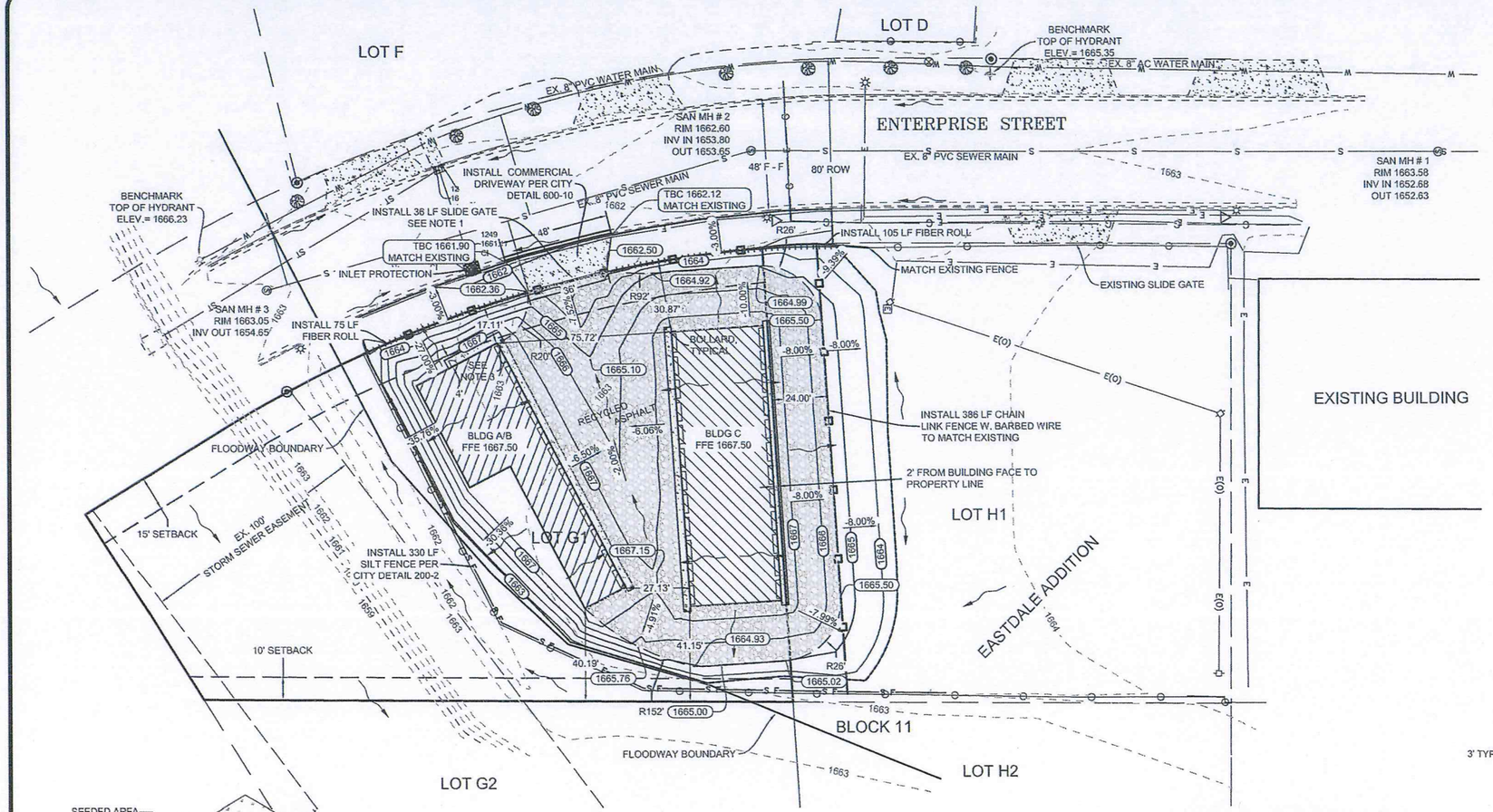
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated heron.
Map was Updated/Created: August 22, 2012 (klee)

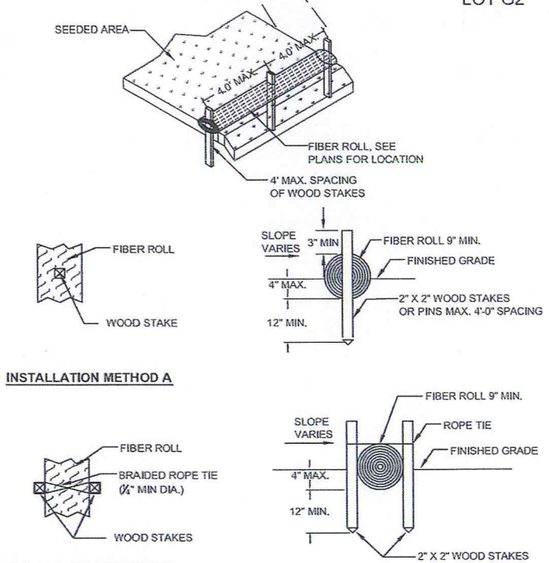
Source: City of Bismarck

N

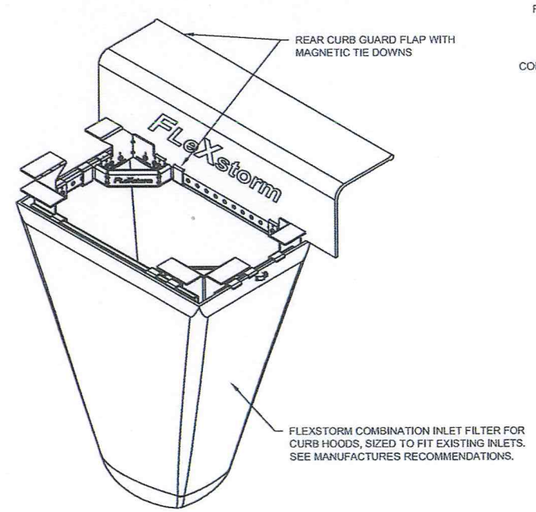
0 435 870 Feet

NOTES:
1. SLIDE GATE SHALL BE SIMILAR TO THE SLIDE GATE ON LOT H1 WITH BARBED WIRE ACROSS THE TOP.
2. AREAS NOT TO BE COVERED WITH RECYCLED ASPHALT SHALL BE TOPSOILED 4" THICK, SEEDED WITH CLASS II SEED AND MULCHED.
3. BOLLARD TO BE LOCATED NEXT TO BUILDING, OUTSIDE OF SIDEWALK.

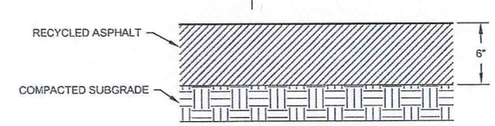




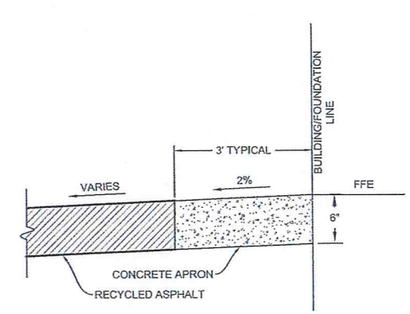
FIBER ROLL INSTALLATION
NO SCALE



INLET PROTECTION
NO SCALE

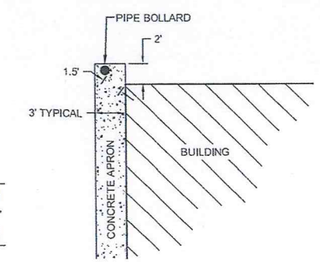


6" RECYCLED ASPHALT SECTION
NO SCALE

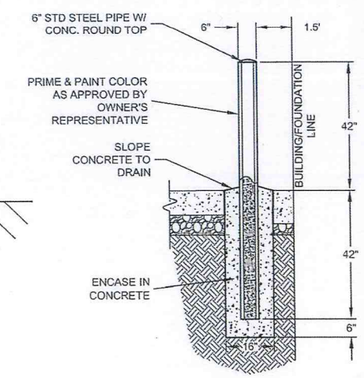


NOTES:
1. JOINTS SHALL BE 10' C-C.

CONCRETE APRON
NO SCALE

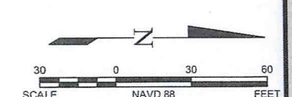


PLAN VIEW



PROFILE VIEW

PIPE BOLLARD
NO SCALE



This document(s) was originally issued and sealed by Brad Krogstad, Registration Number PE-5786 on July 16, 2012 and the original documents are stored at Kadrmas, Lee & Jackson, Bismarck, North Dakota. This media should not be considered a certified document.

Kadrmas Lee & Jackson
Engineers Surveyors Planners
www.kljeng.com

NO.	DATE	REVISION

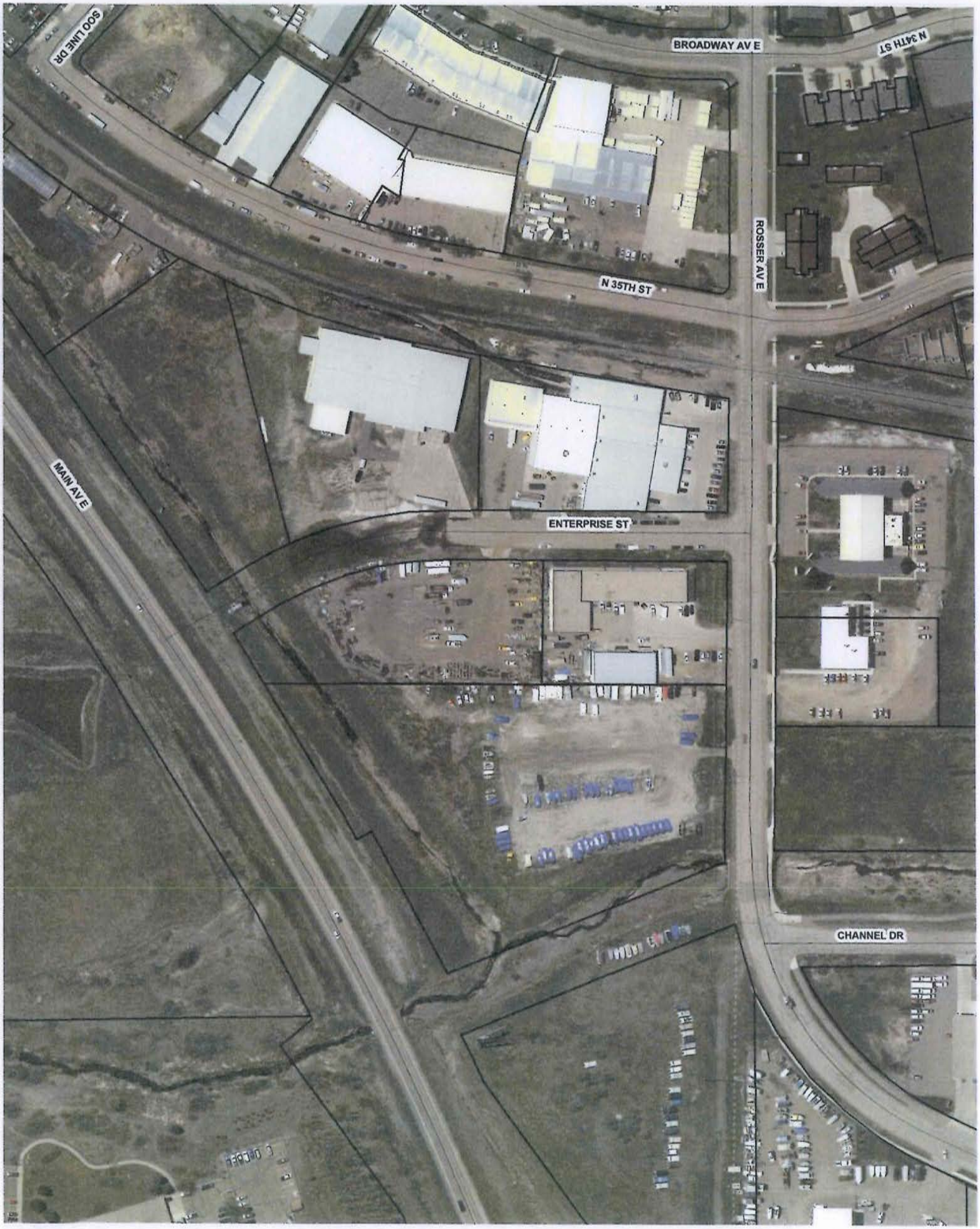
DRAFTED SAK
REVIEWED BJK
PROJECT NUMBER 1611363
ISSUE DATE 7/16/2012

CITY AIR MECHANICAL STORAGE UNITS
CITY AIR MECHANICAL
BISMARCK, NORTH DAKOTA
GRADING & LAYOUT PLAN

SHEET 2

Jul 16, 2012 - 11:04am - J:\miscella\1611363-CityAirMech\CADD\1611363-SitePlan.dwg

© Kadrmas, Lee & Jackson, Inc. 2012


SOO LINE DR
BROADWAY AV E
N 34TH ST
ROSSER AV E
N 35TH ST
MAIN AV E
ENTERPRISE ST
CHANNEL DR

BISMARCK-BURLEIGH COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:

The South 25 feet of the West 70.63 feet of the East 142.76 feet of Lot 3 and the South 7 feet of the West 24 feet of the East 142.76 feet of the North 50 Feet of Lot 3 and the West 70.63 feet of the East 142.76 feet of Lot 4, Block 9, Northern Pacific Addition - Set Back Variance (116 East Avenue B)

Status:	**Date:**
Board of Adjustment	September 6, 2012
Owner(S):	Engineer / Architect:
Mary and Cameron McCullough	None

Reason for Request:

Reduce the rear yard setback from 20 feet to 0 feet and reduce the side yard setback from 10 feet to 0 feet, for the purpose of constructing a 24' x 24' (576 square foot) accessory building in the rear yard in the same location as the existing accessory building.

Location:

Along the north side of East Avenue B, between North 1st Street and North 2nd Street.

Applicable Provision(s) of Zoning Ordinance:

Section 14-04-07 (8) of the City Code of Ordinances (RM – Residential District) states, "each lot shall have two (2) side yards, one on each side of the principal building. The sum of the widths of the two (2) side yards shall not be less than twenty (20) per cent of the average width of the lot and in no case shall a side yard be less than ten (10) feet in width."

Section 14-04-07 (9) of the City Code of Ordinances (RM – Residential District) states, "each lot shall have a rear yard not less than twenty (20) feet in depth.

Section 14-03-08 (4) of the City Code of Ordinances (Supplemental Provisions) states, "all accessory buildings except garages shall be located in the rear yard and shall not be less than three feet from the rear or side lot line when located at least ten feet behind the principal building. If the ten-foot distance cannot be maintained the same side yard must be maintained as is required for the principal building." The proposed accessory building, located in a RM – Residential zoning district would not be located at least ten feet behind the principal building, therefore a side yard of not less than 10 feet is required and a rear yard of not less than 20 feet is required.

FINDINGS:

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the RM zoning classification.

2. The hardship is not caused by the provisions of the Zoning Ordinance.

3. Strict application of the provisions of the Zoning Ordinance may deprive the property owner of the reasonable use of the property.

4. The requested variance is the minimum variance that will accomplish the relief sought by the applicant.

5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance; however, it is doubtful that it would be injurious to the neighborhood or otherwise detrimental to the public welfare.

RECOMMENDATION:
Staff recommends reviewing the above findings and modifying them as necessary to support the decision of the Board. If granted, the variance must be put to use within 24 months or it shall lapse and the landowner must reapply.

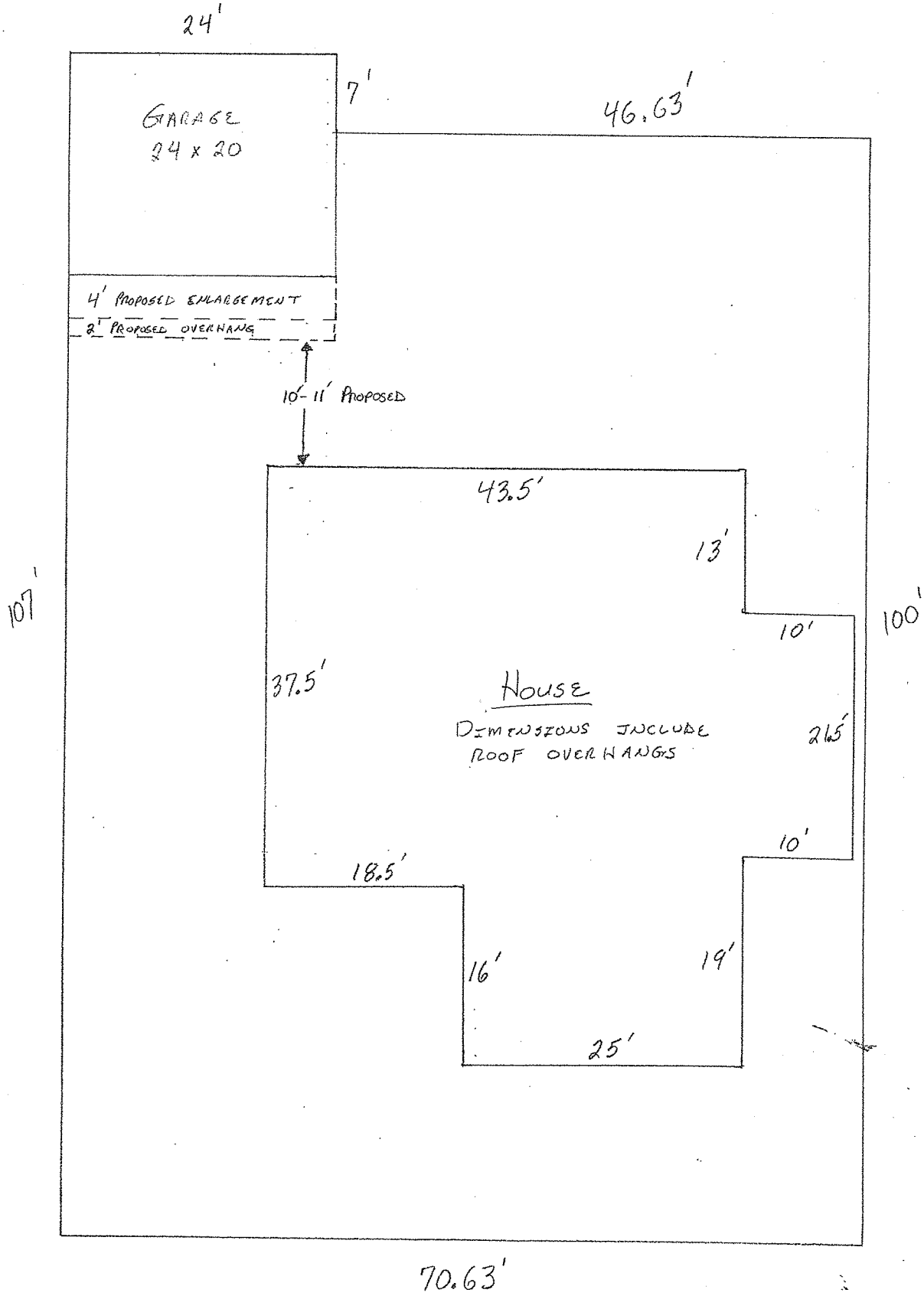
Proposed Setback Variance

The south 25 feet of the west 70.63 feet of the East 142.76 feet of Lot 3 and the South 7 feet of the West 24 feet of the East142.76 feet of the North 50 Feet of Lot 3 and the West 70.63 feet of the East 142.76 feet of Lot 4, Block 9, Northern Pacific Addition

DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated heron.
Map was Updated/Created: August 29, 2012 (kdt)

Source: City of Bismarck

N

0 180 360 Feet

116 AVENUE B EAST
McCULLOUGH'S