

**BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES**

November 7, 2013

The Bismarck Board of Adjustment met on November 7, 2013 at 4:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Marback presided.

Members present were Jennifer Clark, Ken Heier, Jeff Ubl and Michael Marback.

Member absent was Blair Ihmels.

Staff members present were Jenny Wollmuth – Planner, Brady Blaskowski – Acting Building Official, Jason Hammes – Assistant City Attorney and Hilary Balzum – Community Development Office Assistant.

Others present were Londell Nissen, Dick Goetz and Gayle Goetz.

MINUTES:

Chair Marback asked for consideration of the minutes of the October 3, 2013 meeting.

MOTION: A motion was made by Mr. Ubl and seconded by Mr. Heier to approve the minutes of the October 3, 2013 meeting as distributed. With Board Members Clark, Heier, Ubl and Marback voting in favor, the minutes were approved.

VARIANCE FROM SECTION 14-04-03(a) OF THE CITY CODE OF ORDINANCES (R5-RESIDENTIAL DISTRICT)(REAR YARD) – 102 EAST CAPITOL AVENUE

Chairman Marback stated the applicant was requesting a variance to reduce the required rear yard setback from twenty (20) feet to thirteen (13) feet along the north side of the property in order to construct a 700 square foot (20' x 35') accessory building.

Mr. Nissen stated he did not have anything to add to his request at this time. Mr. Heier asked him if a variance had been issued on the property prior to them moving in and why the rear yard setback is only 15 feet 8 inches. Mr. Nissen said he did not know why, that it is just the way the house was built.

Mr. Heier asked what the size of the overhang on the top of the house is. Mr. Nissen said it is between 18 and 24 inches.

Mr. Ubl asked what the front yard setback requirement is. Mr. Blaskowski answered it is 25 feet. Mr. Ubl then asked if the issue of being over the allowable percent of lot coverage has been resolved. Mr. Blaskowski said it was addressed by the former Building Official with an administrative variance.

MOTION: A motion was made by Mr. Heier to approve the variance to reduce the side yard setback requirement along the north side of his property from twenty (20) feet to thirteen (13) feet in order to construct a 700 square foot (20' x 35') accessory building, with the condition that that side wall height be consistent with that of the existing house. The motion was seconded by Ms. Clark. With Board Members Clark, Heier, Ubl and Marback voting in favor of the motion, the motion was approved and the variance request was approved.

OTHER BUSINESS

Mr. Blaskowski said he would like to inform the Board of the multiple parking variances that could potentially be brought forward in the near future. He explained that many multi-tenant retail facilities are struggling to maintain the required parking spaces and that many administrative variances that were granted in the past. However, per the ordinance, staff would like the Board to make determinations regarding required parking for the facilities. He asked that over the next few weeks they each take a look around as they are going through town and bring ideas for solutions to this issue, as far as accommodating multi-tenant buildings and their outlots, as well as the potential for some zoning ordinance text amendments.

Ms. Clark asked if in the event a strip mall is developed, is the ratio of how many restaurants versus retail establishments ever limited. Mr. Blaskowski said it has never been tried before but it is something to think about.

Ms. Clark also made the request that the December meeting of the Board of Adjustment be moved to December 12th.

ADJOURNMENT

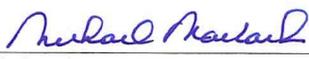
There being no further business, Chairman Marback declared the meeting of the Bismarck Board of Adjustment adjourned at 4:53 p.m. to meet again on Thursday, December 12, 2013.

Respectfully Submitted,



Hilary Balzum
Recording Secretary

APPROVED:



Michael Marback, Chairman