

**BISMARCK BOARD OF ADJUSTMENT  
MEETING MINUTE  
OCTOBER 1, 2009**

The Bismarck Board of Adjustment met on October 1, 2009 at 4:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5<sup>th</sup> Street. Board members present were Chair Michael Marback, Blair Ihmels, Warren Tvenge, Ken Heier, and Larry Thompson.

Staff members present were Tom Dwyer (Building Inspector), Gregg Greenquist (Planner), and Kim Riepl (Office Assistant).

Others present were Curtis, Alvina and Donald Jungling, 604 Highway 1804; and Leo Vetter, Vetter Homes, Inc., P.O. Box 7172, Bismarck.

**MINUTES**

Chair Marback asked for consideration of the September 3, 2009 minutes.

**MOTION:** A motion was made by Mr. Tvenge and seconded by Mr. Ihmels to approve the minutes of the September 3, 2009 meeting as presented. With all members voting in favor, the minutes were approved.

**VARIANCE – ALVINA JUNGLING – 1920 E. ROSSER AVENUE**

Ms. Jungling requested the renewal of previously approved variances to reduce the front yard (east side) setback distance from 25-feet to 20-feet and to reduce the rear yard (north side) setback from 20-feet to 10-feet for the purpose of constructing a house. The property is located at 1920 East Rosser Avenue and is legally described as the east 50-feet of Lots 8-11, Block 16, Governor Pierce Addition. Chair Marback read the applicant's reason for request and asked if there was anything to be added.

Mr. Greenquist stated that previous applications had shown the required rear yard setback to be 15-feet, but it is actually 20-feet, and this has been duly noted on the staff report supplied.

The following findings were provided:

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 R-10 zoning classification.
2. The hardship is not caused by the provisions of the Zoning Ordinance. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.

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

It was asked what the square footage of the house without the garage was, and Mr. Vetter replied the total square footage of the house alone was 1,075-square feet.

**MOTION:** A motion was made by Mr. Thompson to approve the renewal of previously approved variances to reduce the front yard (east side) setback distance from 25-feet to 20-feet and to reduce the rear yard (north side) setback from 20-feet to 10-feet. Mr. Ihmels seconded the motion and with all members voting in favor, the motion was approved.

#### **OTHER BUSINESS**

Mr. Marback announced that the Bismarck City Commission, at its October 13<sup>th</sup> meeting, would be considering the appointment of Jennifer Clark to the Board of Adjustment. He stated that if appointed, she would be available to attend the November 5<sup>th</sup> meeting of the Board of Adjustment.

#### **ADJOURNMENT**

There being no further business, the meeting of the Bismarck Board of Adjustment was adjourned to meet again on November 5, 2009.

Respectfully Submitted,

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Kim Riepl  
Recording Secretary

APPROVED:

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Michael Marback, Chair