Bismarck

Community Development Department

BISMARCK BOARD OF ADJUSTMENT MEETING AGENDA

March 5, 2015

Tom Baker Meeting Room | **4:00 p.m.** | **City-County Office Building**

MINUTES

1. Consider the minutes of the December 4, 2014 meeting of the Board of Adjustment.

REQUESTS

2. **Variance from Section 14-03-05(4)(b) of the City Code of Ordinances (Supplementary Provisions)** – The North 23 feet of Lot 27, all of Lot 28 and the South 4 feet of Lot 29, Block 39, Fisher Addition (1221 North 13th Street).

   Amy Frison is requesting a variance to reduce the rear yard setback located along the east side of her property from twenty (20) feet to six (6) feet for the purpose of constructing an accessory building with direct access from the adjacent alley.

   Board Action: □approve □continue □table □deny

3. **Variance from Section 14-03-08(q)(2) of the City Code of Ordinances (Special Uses)(Child Care Center)** – Lots 4-6, Block 1, Edgewood Village 7th Addition (3800 Nebraska Drive).

   Little Einsteins, LLC is requesting a variance to reduce the required front yard setback along the east side of the property, adjacent to Knudsen Loop, from twenty-five (25) feet to zero (0) feet for the purpose of expanding the outdoor recreation area for the child care center.

   Board Action: □approve □continue □table □deny

4. **Variance from Section 14-03-10 of the City Code of Ordinances (Off-Street Parking and Loading)** – The East 130 feet of Lots 1-6, Block 73. Original Plat (711 East Sweet Avenue).

   Jerry and Renae Doan and Bis-Man Community Food Cooperative are requesting a variance to reduce the required off-street parking spaces from 51 spaces to 21 spaces for a single-tenant retail building (Bis-Man Community Food Cooperative).

   Board Action: □approve □continue □table □deny

OTHER BUSINESS

5. **Other**

ADJOURNMENT

6. **Adjournment.** The next regular meeting date is scheduled for April 2, 2015.

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
1221 North 13th Street – Variance (Rear Yard Setback)
(The North 23 feet of Lot 27, all of Lot 28 and the South 4 feet of Lot 29, Block 39, Fisher Addition)

Status:	**Date:**
Board of Adjustment	March 5, 2015
Owner(s):	**Engineer:**
Amy Frison	None

Reason for Request:
Variance from Section 14-03-05(4)(b) of the City Code of Ordinances (Supplemental Provisions) to reduce the required rear yard setback along the east side of the property from twenty (20) feet to six (6) feet for the purpose of constructing an accessory building with direct access from the adjacent alley.

Location:
In central Bismarck, between Hanaford Avenue and Porter Avenue, along the east side of North 13th Street

APPLICABLE PROVISION(S) OF ZONING ORDINANCE:

1. Section 14-02-03 of the City Code of Ordinances (Definitions) defines a variance as, "A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or desire to increase the financial return."

2. Section 14-03-05(4)(b) of the City Code of Ordinances (Supplementary Provisions) states, "A garage located in a rear yard and approached from an alley must be set back from the alley line at least twenty (20) feet." According to the site plan submitted with the application, the proposed accessory building would be located six (6) feet from the alley with access perpendicular to the adjacent alley.

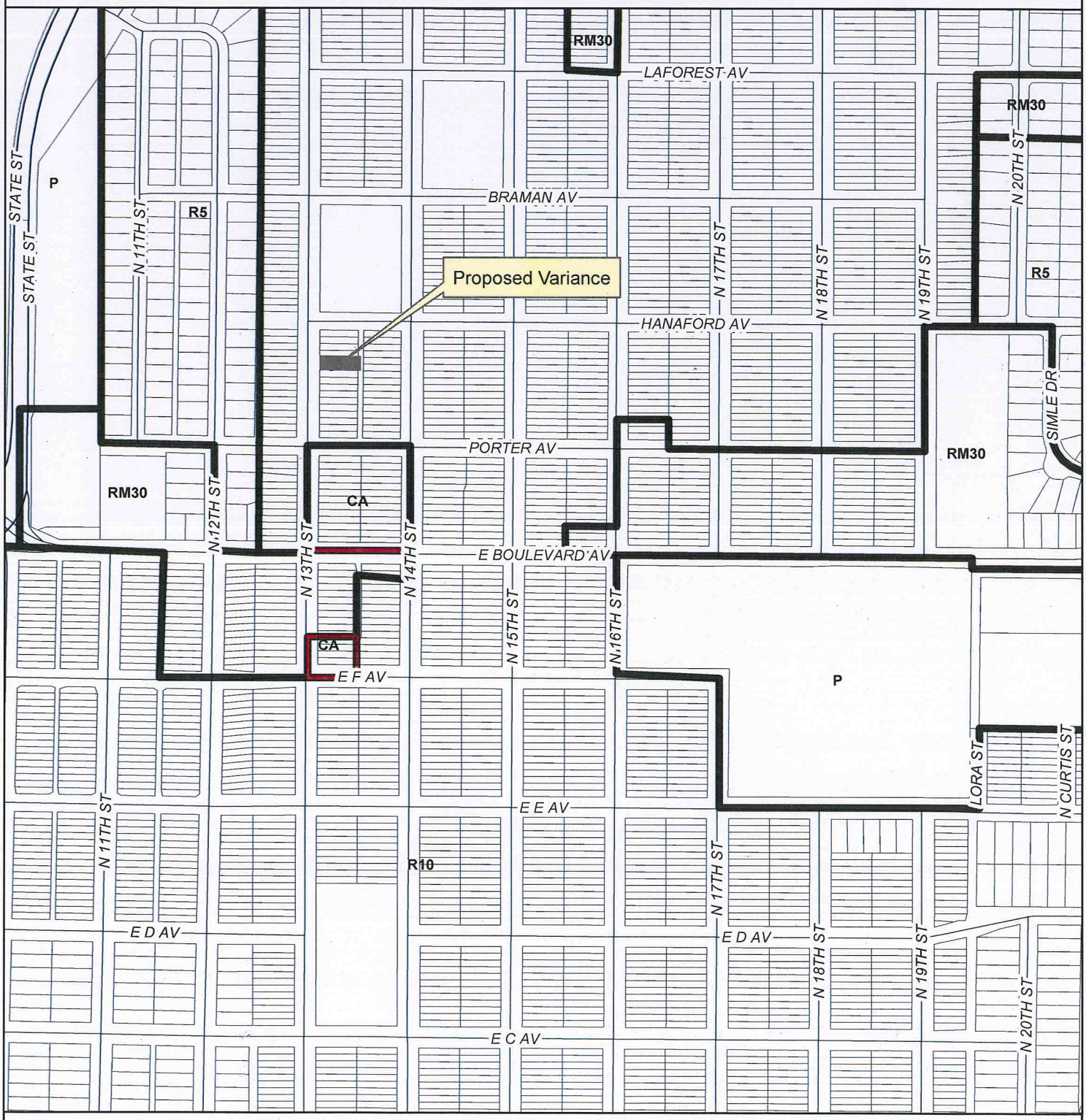
FINDINGS:

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 R10-Residential 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 would 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

RECOMMENDATION:

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

Proposed Variance
North 23 feet of Lot 27, All of Lot 28 and the South 4 feet of Lot 29, Block 39, Fisher Addition



February 18, 2015 (hlb)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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Variance Request - 1221 North 13th Street

0 10 20 40 60 80 Feet

N

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Print Form

Bismarck

CITY OF BISMARCK/ETA
APPLICATION FOR APPROVAL OF A VARIANCE
WRITTEN STATEMENT

1. Property Address or Legal Description: 1221 North 8th Street

2. Location of Property: ☒ City of Bismarck ☐ Extraterritorial Area (ETA)

3. Type of Variance Requested: Reduce setback from alley to approx. 16 ft.

4. Applicable Zoning Ordinance Chapter/Section: R10 - Residential Duplex

5. Describe how the strict application of the requirements of the Zoning Ordinance would limit the use of the property. (Only limitations due to physical or topographic features - such as an irregularly shaped, narrow, shallow or steep lot or other exceptional physical or topographic condition - that are unique characteristics and not applicable to other properties in the neighborhood are eligible for a variance. Variances cannot be granted on the basis of economic hardship or inconvenience.)

There is a 20ft variance to add a garage and in my backyard I have a 75 to 100 yr old tree that I will not be cutting down. The tree would be in the way if I went back 20 ft.

6. Describe how these limitations would deprive you of reasonable use of the land or building involved and result in unnecessary hardship.

I won't be able to build a garage with the 20 ft variance.

7. Describe how the variance requested is the minimum variance necessary to allow reasonable use of the property.

With the 16 ft variance I will have enough room in the yard for both the tree and the garage.

Bismarck

Community Development Department

February 23, 2015

Dear Property Owner:

Please be advised that the Bismarck Board of Adjustment will be conducting a public hearing on a variance request on Thursday, March 5, 2015, at 4:00 p.m. in the Tom Baker Meeting Room, City-County Office Building, 221 North 5th Street, Bismarck, North Dakota, which may be of interest to you.

Amy Frison is requesting a variance from Section 14-03-05(4)(b) of the City Code of Ordinances (Supplementary Provisions) to reduce the rear yard setback located along the east side of the property with access directly adjacent to the alley, from twenty (20) feet to six (6) feet for the purpose of constructing an accessory building located on the North 23 feet of Lot 27, and all of Lot 28 and the South 4 feet of Lot 29, Block 39, Fisher Addition (1221 North 13th Street).

A map showing the location involved in the request and site plan are enclosed for your information.

At the hearing, the Board of Adjustment will provide an opportunity for all interested persons to be heard with respect to this item. Interested persons may also submit written comments regarding this request prior to the meeting to the Community Development Department ~ Planning Division, PO Box 5503, Bismarck, North Dakota 58506-5503, fax: 701- 222-6450, or e-mail - planning@bismarcknd.gov.

If you have any questions or need any additional information on this request, please contact Jenny Wollmuth, the planner in our office assigned to this request, at 355-1845.

Bismarck Community Development Department - Planning Division

JW/hlb

Enc: Location Map
Site Plan

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
3800 Nebraska Drive – Variance (Front Yard Setback)
(Lots 4-6, Block 1, Edgewood Village 7th Addition)

Status:	**Date:**
Board of Adjustment	March 5, 2015
Owner(s):	**Engineer:**
Little Einsteins, LLC	None

Reason for Request:
Variance from Section 14-03-08(q)(2) of the City Code of Ordinances (Special Uses)(Child Care Center) to reduce the required front yard setback along the east side of the property, adjacent to Knudsen Loop, from twenty-five (25) feet to zero (0) feet for the purpose of expanding the outdoor recreation area for the child care center.

Location:
In northeast Bismarck, between East Calgary Avenue and 43rd Avenue NE, along the northwest side of Nebraska Drive and southwest side of Knudsen Loop.

ADDITIONAL INFORMATION:

1. The Bismarck Planning and Zoning Commission, at their meeting of December 18, 2013, approved a special use permit for the operation of a child care center for the above mentioned property with the following conditions: 1. The construction and operation of the child care center must meet all applicable requirements for such a use in the R 10 – Residential zoning district; and 2. Development of the site must generally conform to the site plan submitted with the application.

2. The child care center is currently under construction and will provide the required square feet for an outdoor recreation area, and meet the minimum depth and width requirements for an outdoor recreation area. However, the applicant is requesting a variance to expand the outdoor recreation area twenty-five (25) feet into the front yard setback, adjacent to Knudsen Loop, which would reduce the front yard setback from twenty-five (25) feet to zero feet.

APPLICABLE PROVISION(S) OF ZONING ORDINANCE:

1. Section 14-02-03 of the City Code of Ordinances (Definitions) defines a variance as, "A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or desire to increase the financial return."

2. Section 14-03-08(q)(2) of the City Code of Ordinances (Special Uses)(Child Care Center) states, "Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines." The building setback lines are outlined in Section 14-04-06 of the City Code of Ordinances (R10-Residential). According to the site plan submitted with the application, the proposed addition to the outdoor recreation area would be located zero six feet from the front yard property line located along the northeast side of the property adjacent to Knudsen Loop.

(continued)

3. Section 14-04-06 (7) of the City Code of Ordinances (R10 – Residential)(Front Yard) states, "Each lot shall have a front yard of not less than twenty-five (25) feet in depth." According to the site plan submitted with the application, the proposed addition to the outdoor recreation area would be located zero feet from the front yard property line located along the northeast side of the property adjacent to Knudsen Loop.

4. Section 14-04-06(8) of the City Code of Ordinances (R10 – Residential)(Side Yard), states, 'No building on a corner lot shall have a side yard on the side street less than twenty-five feet in width." According to the side plan submitted with the application the proposed addition to the outdoor recreation area is located on a corner lot and is setback zero feet from the front property line located along the northeast side of the property adjacent to Knudsen Loop.

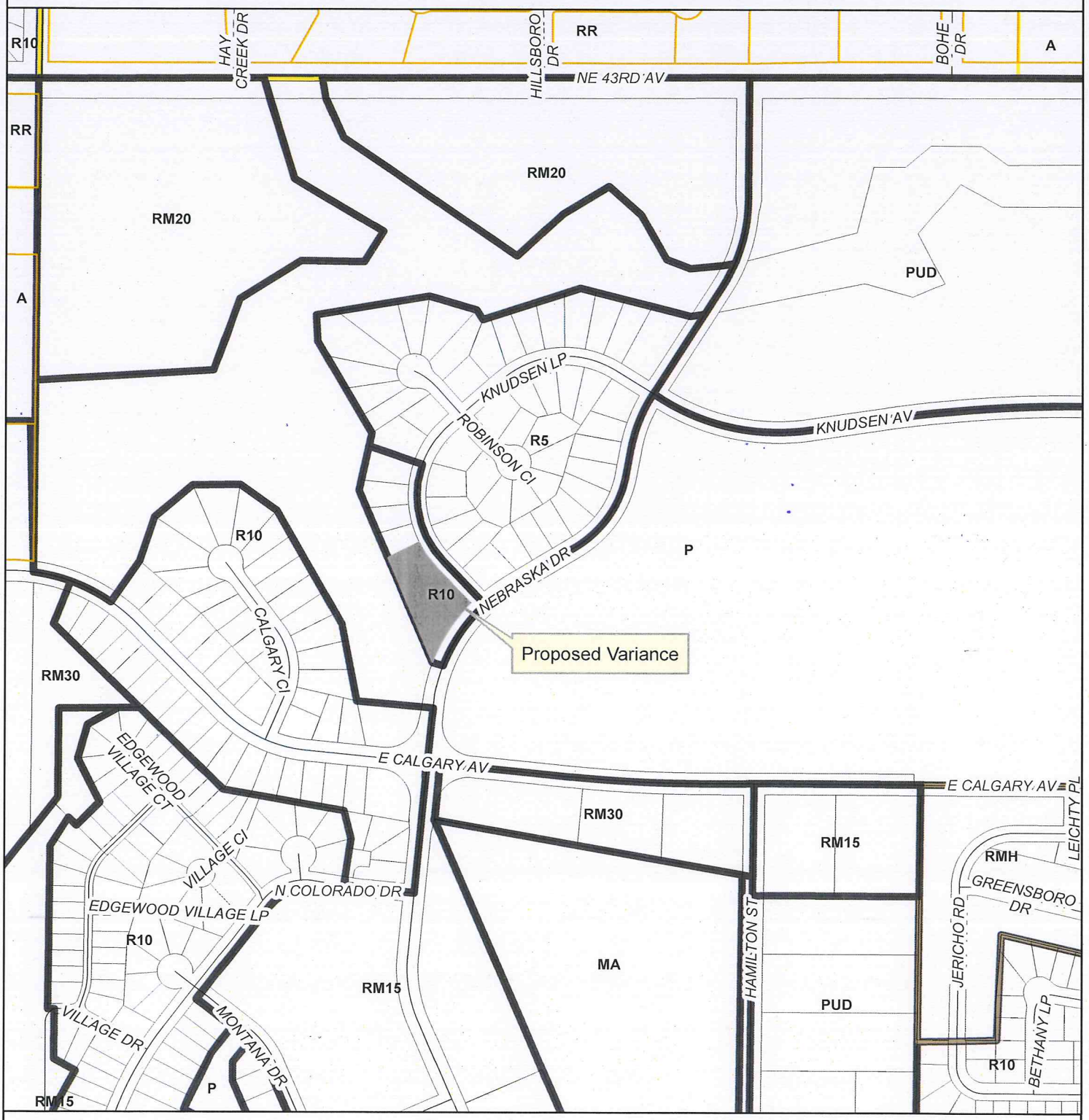
FINDINGS:

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 R10-Residential 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 would 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

RECOMMENDATION:

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

Proposed Variance
Lots 4-6, Block 1, Edgewood Village 7th Addition



February 18, 2015 (hlb)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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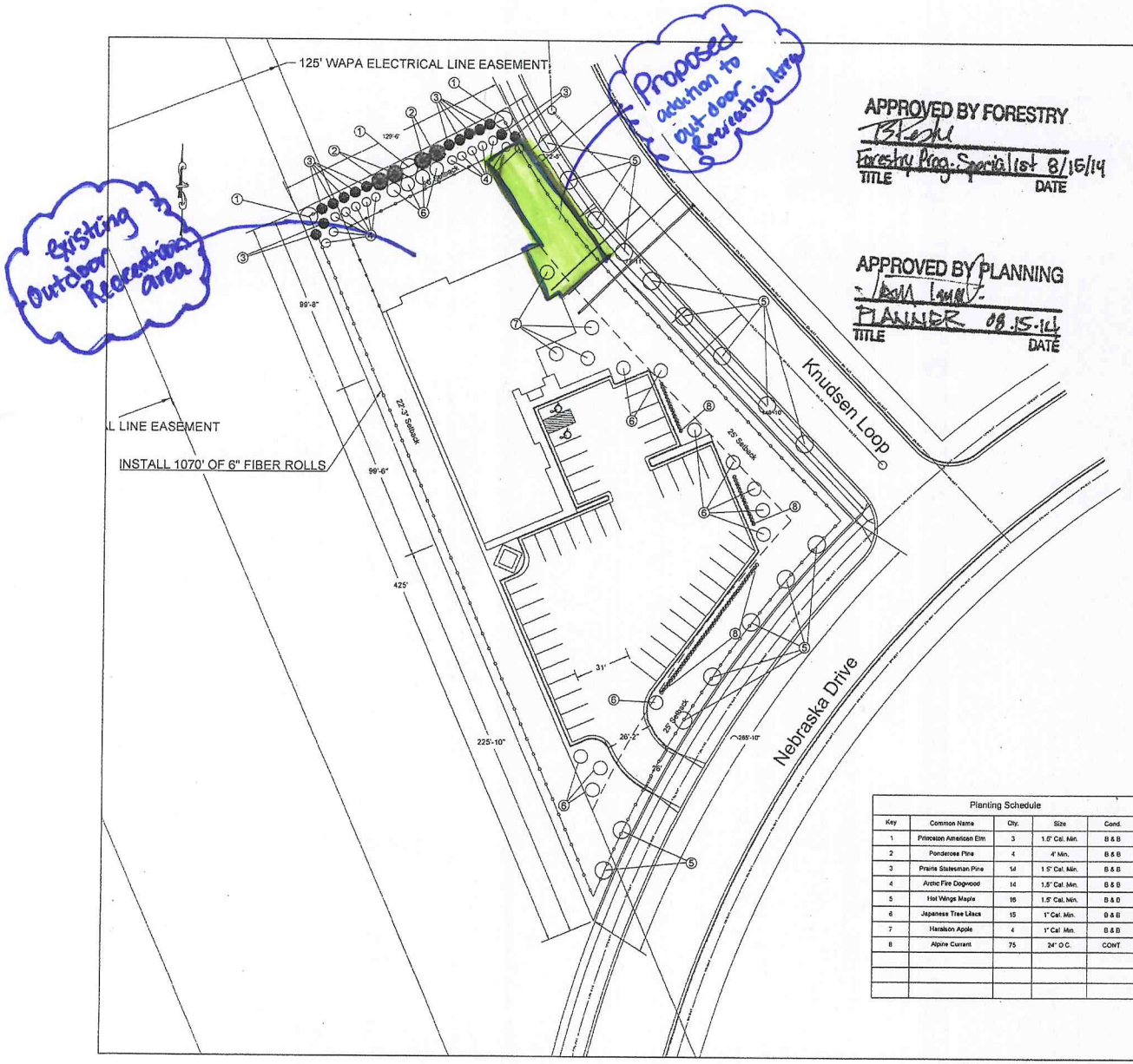
RECEIVED
FEB 17 2015

RECEIVED
AUG 15 2014



APPROVED BY FORESTRY
Forestry Prog. Specialist 8/15/14
TITLE DATE

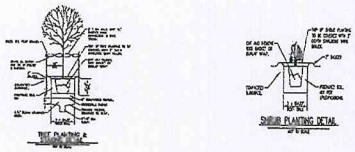
APPROVED BY PLANNING
PLANNER 08.15.14
TITLE DATE

NOTES:

1. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR AND SHALL MAINTAIN THE LANDSCAPING FOR 90 DAYS PAST THE FINAL INSPECTION.
2. GENERAL CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE YEAR FROM DATE OF PROJECT COMPLETION.
3. ALL PLANT MATERIAL SHALL MEET REQUIREMENTS SHOWN IN THE "AMERICAN STANDARDS FOR NURSERY STOCK" (ANSI Z60.1-1990).
4. ALL TREE AND SHRUB PLANTING AREAS SHALL BE EXCAVATED AND BACKFILLED WITH PLANT MIX. PROVIDE FERTILIZER WITH NOT LESS THAN 5% NITROGEN, 10% AVAILABLE PHOSPHORIC ACID AND 5% SOLUBLE POTASH. DISCARD SUBSOIL REMOVED FROM PLANTING AREA EXCAVATION. DO NOT MIX WITH PLAN MIX OR USE AS BACKFILL. SEE DETAILS FOR COMPLETE PLANTING PREPARATION. PREPARE PLANTING AREAS AND INSTALL PLANTS COMPLETELY PRIOR TO SEEDING.
5. NO PLANT MATERIAL SHALL BE SUBSTITUTED WITHOUT THE APPROVAL OF THE OWNER. ALL PLANTING LOCATIONS SHALL BE FLAGGED BY THE CONTRACTOR AND APPROVED BY THE OWNER, PRIOR TO INSTALLATION.
6. ALL SHRUBS SHALL BE INSTALLED IN PROPOSED PLANTING BEDS AND COVERED WITH SHREDDED BARK MULCH OR ACCEPTABLE EQUAL.
7. ALL GREEN SPACE TO BE SEEDED BY DRILLING INTO GROUND AT A RATE OF 4 LBS./1000 SQ. FT. AND FERTILIZED AT A RATE OF 50 LBS./20,000 SQ. FT. SPRAY FIBER MULCH IN WATER USING A HYDROSEEDER WITH TACKIFIER. USE CITY OF BISMARCK SEED MIX SPECIFICATIONS.

Planting Schedule

Key	Common Name	Qty.	Size	Cond.
1	Princeton American Elm	3	1.5" Cal. Min.	B & B
2	Ponderosa Pine	4	4' Min.	B & B
3	Prairie Statesman Pine	14	1.5" Cal. Min.	B & B
4	Arctic Fire Dogwood	14	1.5" Cal. Min.	B & B
5	Hot Wings Maple	16	1.5" Cal. Min.	B & B
6	Japanese Tree Lilacs	15	1" Cal. Min.	B & B
7	Haralson Apple	4	1" Cal. Min.	B & B
8	Alpine Currant	75	24" O.C.	CONT



0 50 100 Feet

Wohl Engineering, Inc.

HDR DAYCARE
EDGEWOOD 7TH ADD. LOTS 4, 5, 6
BISMARCK, ND

LANDSCAPING AND EROSION CONTROL PLAN

SHEET 4 OF 5

Print Form

Bismarck

RECEIVED
FEB 17 2015

CITY OF BISMARCK/ETA
APPLICATION FOR APPROVAL OF A VARIANCE
WRITTEN STATEMENT

1. Property Address or Legal Description: 3800 Nebraska Dr.

2. Location of Property: ☒ City of Bismarck ☐ Extraterritorial Area (ETA)

3. Type of Variance Requested:

4. Applicable Zoning Ordinance Chapter/Section:

5. Describe how the strict application of the requirements of the Zoning Ordinance would limit the use of the property. (Only limitations due to physical or topographic features - such as an irregularly shaped, narrow, shallow or steep lot or other exceptional physical or topographic condition - that are unique characteristics and not applicable to other properties in the neighborhood are eligible for a variance. Variances cannot be granted on the basis of economic hardship or inconvenience.)

1. Corner lot - due to landscaping requirements, I am required to have greenery in specified areas - boulevard + a large buffer area
2. Parking requirements - 1:2-staff, 1:10 child. I am required to have 40 parking spots which pushed my building further into the playarea.
3. Powerline easement - WAPA is not allowing me to use south portion of my property. If I put a fence up, they can take it down & charge me.

6. Describe how these limitations would deprive you of reasonable use of the land or building involved and result in unnecessary hardship.

Yes, I meet the requirements of 75 sqft/child. However, the vision I had for this is not possible. Its very small + confined. I would like to have lots of equipment + opportunities for sensory experiences. I would like a big oak tree for shade, water days during the summer + a separation of infant/toddler areas + preschool/school-aged areas. This will not be possible with the amount of area I have now.

7. Describe how the variance requested is the minimum variance necessary to allow reasonable use of the property.

I really have no other option than this. I have already contacted WAPA - they have denied my request. I cannot go further west because of the buffer yard required.

* Increasing will add approximately 1500 sqft

Bismarck

Community Development Department

February 23, 2015

Dear Property Owner:

Please be advised that the Bismarck Board of Adjustment will be conducting a public hearing on a variance request on Thursday, March 5, 2015, at 4:00 p.m. in the Tom Baker Meeting Room, City-County Office Building, 221 North 5th Street, Bismarck, North Dakota, which may be of interest to you.

Little Einsteins, LLC is requesting a variance from Section 14-03-08(q)(2) of the City Code of Ordinances (Special Uses)(Child Care Center) to reduce the front yard setback adjacent to Knudsen Loop from twenty-five (25) feet to zero (0) feet for the purpose of expanding the outdoor recreation area for a child care center located on Los 4-6, Block 1, Edgewood Village 7th Addition (3800 Nebraska Drive).

A map showing the location involved in the request and site plan showing the parking layout are enclosed for your information.

At the hearing, the Board of Adjustment will provide an opportunity for all interested persons to be heard with respect to this item. Interested persons may also submit written comments regarding this request prior to the meeting to the Community Development Department ~ Planning Division, PO Box 5503, Bismarck, North Dakota 58506-5503, fax: 701- 222-6450, or e-mail - planning@bismarcknd.gov.

If you have any questions or need any additional information on this request, please contact Jenny Wollmuth, the planner in our office assigned to this request, at 355-1845.

Bismarck Community Development Department - Planning Division

JW/hlb

Enc: Location Map
Site Plan

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
711 East Sweet Avenue – Variance (Off-Street Parking and Loading)
(The East 130 feet of Lots 1-6, Block 73, Original Plat)

Status:	**Date:**
Board of Adjustment	March 5, 2015
Owner(s):	**Engineer:**
Jerry and Renae Doan (owner) Bis-Man Community Food Cooperative (applicant)	None

Reason for Request:
Variance from Section 14-03-10 of the City Code of Ordinances (Off-Street Parking and Loading) to reduce the required number of off-street parking spaces from fifty-one (51) spaces to twenty-one (21) spaces for a single-tenant retail building (Bis-Man Community Food Cooperative).

Location:
In central Bismarck, between South 7th Street and South 8th Street, along the south side of East Sweet Avenue.

ADDITIONAL INFORMATION:

1. A building permit was issued in July 1993 for a 100' x 80' single story retail sales building (Rasenbaum's Leasing) with mezzanine. The number of off-street parking listed on the permit was 53 spaces. A joint use of parking agreement for the west 20 feet of the adjacent property (311 S 7th Street) was recorded with the Burleigh County Recorder's Office in July 1993. It is unclear if the parking obtained by the joint use of parking agreement in addition to the parking provided on site totalled 53 spaces. A variance to reduce the number of required off-street parking was not requested. A certificate of occupancy was issued for the building in January 1994. A building permit was then issued in September 1994 for an interior alteration of the building to be used as an assembly use for Snoopers Family Fun Center with no additional parking required. If permitted today a total of 170 off-street parking spaces would be required for the assembly use. A certificate of occupancy was issued for the interior alteration and change of use from a retail use to an assembly use in November 1994. As no variance was issued to reduce the required off-street parking for the retail service use (Rasenbaum's Leasing) or the assembly use (Snoopers Family Fun Center), the existing building is considered a non-conforming use. Based on the size of the building and the size of the lot, very few uses would be considered conforming as there is limited space available on site for off-street parking.

APPLICABLE PROVISION(S) OF ZONING ORDINANCE:

1. Section 14-02-03 of the City Code of Ordinances (Definitions) defines a variance as, "A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or desire to increase the financial return."

2. Section 14-02-03 of the City Code of Ordinances (Definitions) defines a nonconforming use as, "The use of a building or other structure or a tract of land which does not conform to the use or regulations of this title for the district in which it is located, either at the effective date of this title, or as a result of subsequent amendments which may be incorporated into this title." As a variance to reduce the required off-street parking for the retail service use (Rasenbaum's Leasing) or the assembly use (Snoopers Family Fun Center) was not issued, the existing building is considered a non-conforming use because adequate parking is not available.

(continued)

3. Section 14-03-10(h)(1)of the City Code of Ordinances (Off-Street Parking and Loading)(Retail Establishments) states. "In a RT, CA, CG, CR commercial and MA industrial district – off-street parking shall be provided in an amount equivalent to one space for each two hundred (200) square feet of gross floor space area on the ground floor, plus one space for each three hundred (300) square feet of gross floor area in a basement or any story above the ground floor; except that a furniture store shall have one space for each six hundred (600) square feet of gross floor area." According the site plan submitted with the application, the 21 spaces will be provided on-site.

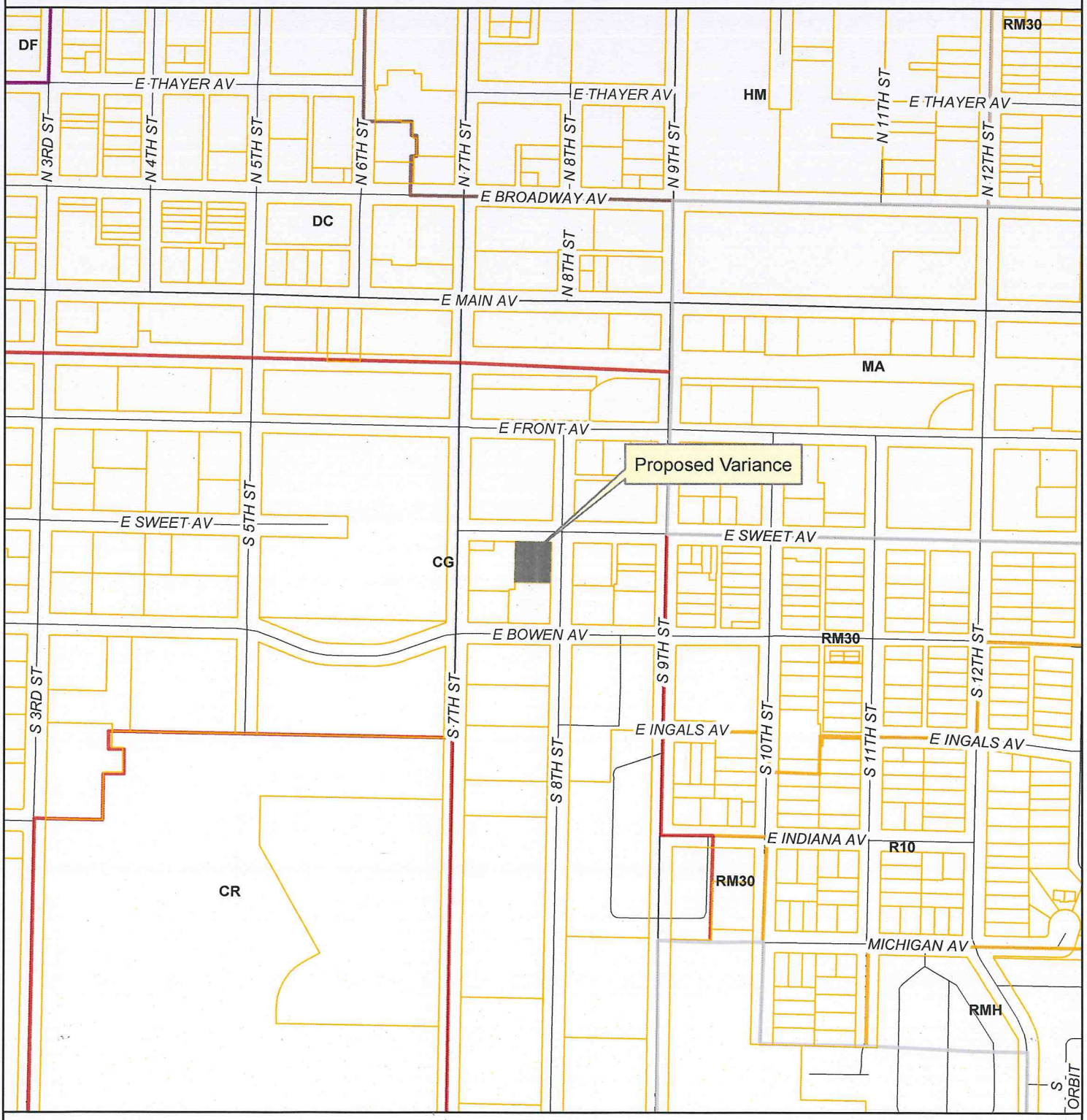
FINDINGS:

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 CA - Commercial 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 would 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

RECOMMENDATION:

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

Proposed Variance
East 130' of Lots 1-6, Block 73, Original Plat



January 21, 2015 (hlb)

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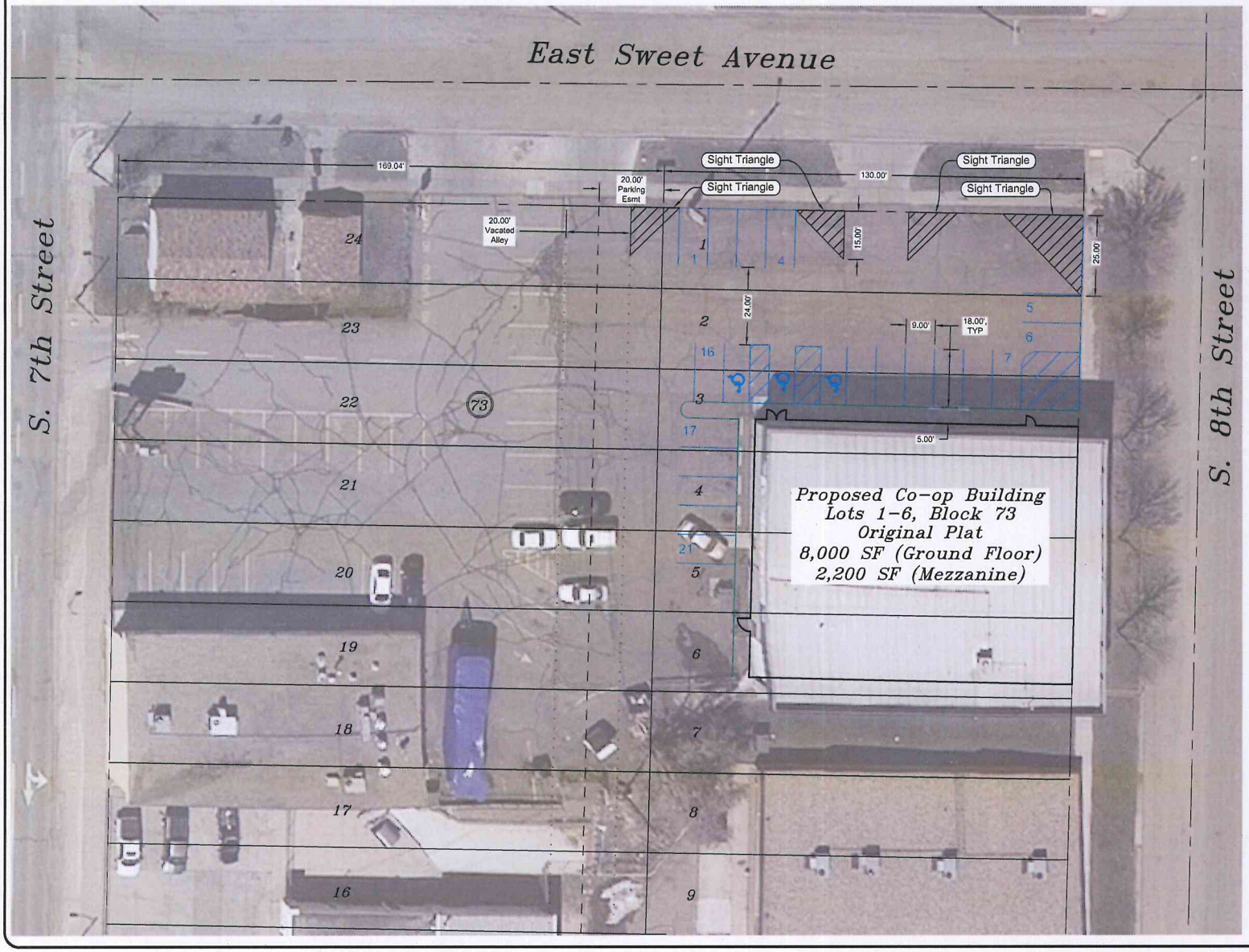


Parking Requirements:
Proposed Usage:
(Ord. 14-03-10-1.h)

Ground Floor: 8,000 SF
Retail
6,000 SF @ 1/200 = 30 Stalls

Kitchen/Storage
1,400 SF @ 1/600 = 3 Stalls

Deli Seating
600 SF @ 1/60 = 10 Stalls

Mezzanine: 2,200 SF
Office
1,500 SF @ 1/250 = 6 Stalls

Community Room
700 SF @ 1/60 = 12 Stalls

Required:
61 Stalls (3 HCA)

Provided:
3 HCA Plus 18 Stalls = 21 Stalls

N

15 0 15 30
SCALE FEET

NO.	DATE	REVISION

DRAFTED
REVIEWED
PROJECT NUMBER
ISSUE DATE 2/17/2015

Bisman Community Food Cooperative
Bismarck, North Dakota
Parking Variance Exhibit

SHEET 1 of 1

Print Form

Bismarck

CITY OF BISMARCK/ETA
APPLICATION FOR APPROVAL OF A VARIANCE
WRITTEN STATEMENT

1. Property Address or Legal Description: Lot 16 Block 73

2. Location of Property: ☒ City of Bismarck ☐ Extraterritorial Area (ETA)

3. Type of Variance Requested:

4. Applicable Zoning Ordinance Chapter/Section:

5. Describe how the strict application of the requirements of the Zoning Ordinance would limit the use of the property. (Only limitations due to physical or topographic features - such as an irregularly shaped, narrow, shallow or steep lot or other exceptional physical or topographic condition - that are unique characteristics and not applicable to other properties in the neighborhood are eligible for a variance. Variances cannot be granted on the basis of economic hardship or inconvenience.)

The strict application of the ordinance requirement for parking would require 55-60 stalls available for the proposed use of a retail grocery store. The lot has space for 21 parking stalls, in addition to the 12 stalls available through a shared use agreement with A&B Pizza. The steep decline on the south side of the building forces the location of the building 25-30 feet North of where it could otherwise be located. This location decreases the parking available by 25 stalls

6. Describe how these limitations would deprive you of reasonable use of the land or building involved and result in unnecessary hardship.

The BisMan Community Food Co-op or any other retail, food service, or public establishment could not locate in the building without a variance permitted for parking. Current use is a public gathering space or/and restaurant, which has a significantly higher requirement for parking than a retail grocery store.

7. Describe how the variance requested is the minimum variance necessary to allow reasonable use of the property.

The variance requested is allowing a retail grocery cooperative to locate on a property with 21 off street parking stalls available, that would require stalls by city ordinance. Twenty one stalls parking stalls is the most parking that could fit in the existing lot, taking into consideration required sight triangles and handicap parking.

Other Adults in Household Allowed to Use Member#:

_____

_____

Payment Options:

_____ Full Investment ($200)

_____ Payment Plan: $50 now plus a one-time processing fee of $10 (total of $60 now) with additional payments of at least $50 every three months until the balance is paid in full. Failure to make timely payments will result in your membership becoming inactive.

(Other payment plans may be available if needed. Please contact us.)

_____ I want to further support the Co-op by making a donation in the amount of:

____ $250 ____ $100 ____ $50 ____ $25

____ Other (Specify)

(Donations are non-refundable)

_____ Online Payment

(Visit bismanfoodcoop.com/become-a-member or scan the QR code located on front of brochure.)

I hereby apply for membership in the BisMan Community Food Cooperative under the terms and conditions of membership contained in the articles of incorporation, bylaws, and this membership agreement. I have read and agree to all the language in this agreement. I certify by my signature that I am at least 18 years of age, and that all statements in this application are true, correct, and complete.

Signature: _____

Date: _____

Make checks payable to:
BisMan Community Food Cooperative

Mail form and payment to:
BisMan Community Food Co-op
PO Box 22, Bismarck, ND 58502

How did you hear about us?

_____

FOR OFFICE USE ONLY:
Received Date: _____ Member #: _____
Amount Paid: _____
Membership confirmation and pack sent (date): _____

Frequently Asked Questions

Why should I join before the store opens?

The Co-op needs YOU! To get the funding to open the store, the Co-op needs to demonstrate the commitment of the community. Capital is needed to open any business, and the capital for this one will come from us in the form of membership-owners and later from loans. During the start-up phase, capital is needed for such things as legal fees, accounting fees, marketing, consultants, design fees, and more.

If we want a co-op in our area, we need to vote with our dollars, even if some risk is involved. By having paid members, we get the attention and respect of lending institutions, consultants, vendors, government agents, and other members of our community.

What if I buy a membership now and the Co-op doesn't open?

Our bylaws spell out the details, but basically the members would get an even split, based upon their contribution, of what's remaining after all expenses are paid and external loans (if any) are paid off.

When will the store open?

We know from our feasibility analysis that Bismarck/Mandan is an attractive market for a food co-op and there is a rapidly growing demand for the products the co-op will sell, but we need your member investment to launch this business. Our goal is to have 600 member-owners invested before securing a retail site.

Where will the co-op be located?

The goal is for the store to be centrally located. A specific location has not yet been chosen.

Do I have to be a member-owner to shop at the Co-op?

While member-owner investment is an important part of our Co-op's financing, you are not required to become a member-owner to shop there.

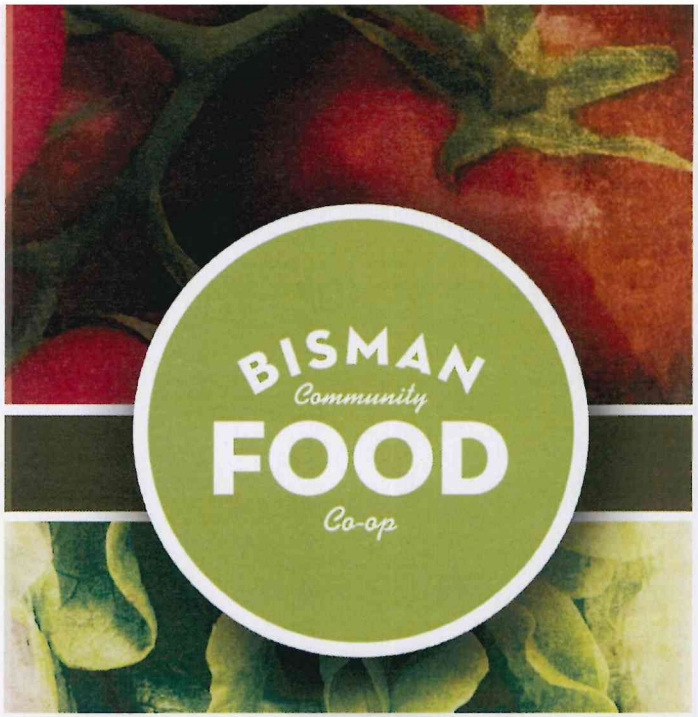
For More Information:

Visit our website:
bismanfoodcoop.com

Give us a call at:
701 663 3886

Send us an email at:
info@bismanfoodcoop.com

Follow us on Facebook!
Bisman Community Food Coop



bismanfoodcoop.com

The BisMan Community Food Cooperative is committed to providing a grocery shopping experience reflective of our community's commitment to health, wellness, and sustainability.

SCAN ME

to go directly to our website and become a member-owner online!

Our Story

A diverse group of community members interested in forming a food cooperative in the Bismarck-Mandan area came together in the fall of 2011. That initial meeting set in motion a collaborative effort resulting in the completion of a market study exploring the feasibility of a food co-op in our community. Key findings from this report conclude that the Bismarck-Mandan area has the market potential to support a food cooperative. Our dedicated and growing team of volunteers has been busy. We've gone from talking and dreaming to moving and shaking!

BisMan Community Food Co-op Will:

- ✓ Be a member-owned grocery store that emphasizes local and healthy foods.
- ✓ Provide job opportunities for community residents.
- ✓ Be a source of education by offering cooking classes and outreach to the public.
- ✓ Support local agriculture as well as related businesses and organizations.
- ✓ Abide by International Cooperative Alliance principles including democratic member control, education and training, and concern for community.

Become a Member-Owner

Membership investment is just $200. No additional investments are necessary unless the member-owners authorize an increase in the membership investment amount. A payment plan is available.

Why Join?

- ✓ Participate in your Co-op by voting in elections, holding office, or joining a committee.
- ✓ Access to member-owner specials and discounts once the store opens.
- ✓ Patronage rebates in profitable years.
- ✓ Support local farmers and producers.
- ✓ The satisfaction that comes with community ownership.

Products

We anticipate the co-op grocery store will offer a broad spectrum of food including:

- ✓ Produce
- ✓ Dairy
- ✓ Bulk and spices
- ✓ Refrigerated and frozen
- ✓ Home health products
- ✓ Coffee/Tea/Juice Bar
- ✓ Meats
- ✓ Dry goods
- ✓ Deli/Bakery

The co-op will offer a variety of organic products as well as conventionally produced whole foods. The BisMan Community Food Co-op board is in the process of developing vendor partnerships that will allow the co-op to introduce new locally, regionally, and organically produced products to the retail grocery market in Bismarck/Mandan. Ultimately, the members of the co-op determine what products will be offered by providing feedback to store management and by voting at annual meetings.

BisMan Community Food Co-op Membership Agreement

I hereby apply for membership in the BisMan Community Food Co-op (also referred to as BCFC). With my investment, as further described below, I become a member and part owner of BCFC. Member-owner equity is used for the development, operation, and expansion of this Bismarck-Mandan area business.

I understand that membership is subject to the terms and conditions set forth in BCFC's Articles of Incorporation and Bylaws. I understand that the individual signing this Membership Agreement is the person who will have voting rights in the cooperative. I may list additional household members who many use my member number.

Once the full investment is made, no additional investments are necessary unless the member-owners authorize an increase in the membership investment amount. I understand that my investment is subject to the same risks inherent in any start-up enterprise, and that such risk may result in the loss of part or all of my investment funds. Membership refund and buy-back policies are located in the Bylaws.

Patronage Refunds are at the discretion of the Board of Directors; only paid-in-full members are eligible to receive them. I am liable for any taxes that may accrue in accordance with IRC Section 1385 for refunds I receive.

Name (First/Last):

_____

Mailing Address:

_____

_____

Phone Number:

_____

Email Address:

_____

Bismarck

Community Development Department

February 23, 2015

Dear Property Owner:

Please be advised that the Bismarck Board of Adjustment will be conducting a public hearing on a variance request on Thursday, February 19, 2015, at 4:00 p.m. in the Tom Baker Meeting Room, City-County Office Building, 221 North 5th Street, Bismarck, North Dakota, which may be of interest to you.

Jerry and Renae Doan and Bis-Man Community Food Cooperative are requesting a variance from Section 14-03-10 of the City Code of Ordinances (Off-Street Parking and Loading) to reduce the required off-street parking spaces from 51 spaces to 21 spaces for the operation of a food co-op to be located on the East 130' of Lots 1-6, Block 73, Original Plat (711 East Sweet Avenue).

A map showing the location involved in the request and site plan showing the parking layout are enclosed for your information.

At the hearing, the Board of Adjustment will provide an opportunity for all interested persons to be heard with respect to this item. Interested persons may also submit written comments regarding this request prior to the meeting to the Community Development Department ~ Planning Division, PO Box 5503, Bismarck, North Dakota 58506-5503, fax: 701- 222-6450, or e-mail - planning@bismarcknd.gov.

If you have any questions or need any additional information on this request, please contact Jenny Wollmuth, the planner in our office assigned to this request, at 355-1845.

Bismarck Community Development Department - Planning Division

JW/hlb

Enc: Location Map
Site Plan

BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES
December 4, 2014

The Bismarck Board of Adjustment met on December 4, 2014 at 4:00 p.m. in the First Floor Conference Room in the City-County Office Building, 221 North 5th Street. Chairman Marback presided.

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

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

MINUTES:

Chairman Marback asked for consideration of the minutes of the November 6, 2014 meeting of the Board of Adjustment.

MOTION: A motion was made by Mr. Hoff and seconded by Mr. Heier to approve the minutes of the November 6, 2014 meeting as distributed. With Board Members Hoff, Seifert, Heier, Clark, Ubl and Marback voting in favor, the minutes were approved.

VARIANCE FROM SECTION 14-04-01(4) OF THE CITY CODE OF ORDINANCES (RR – RURAL RESIDENTIAL ZONING DISTRICT)(FRONT YARD) – LOT 5, BLOCK 2, BRENTWOOD ESTATES (9201 BAINE DRIVE)

Chairman Marback stated the applicant, Dennis Torgerson, is requesting a variance to reduce the required front yard setback located along the southwest side of the property from forty (40) feet to twenty-five (25) feet for the purpose of constructing a garage addition to the existing single-family dwelling.

Dennis and Amber Torgerson said they recently expanded their home and in doing so took space away from their existing garage. They would now like to replace the space that was lost by adding the proposed garage addition to accommodate their parking needs.

Ms. Torgerson said they have three children and recently added a foster child to their family. She said they needed an extra bedroom so they expanded their master bedroom into their garage and added a mudroom and walk-in closet. She said they then looked to expand their garage to make up for parking space lost from the remodel and after the concrete was poured and the footings were placed they did not pass the inspection because the concrete was not deep enough. She said the concrete was re-poured and the re-inspection then showed they were too close to their front yard setback. She said the lot and the way the house is positioned will not allow for placing the garage anywhere else.

She said they purchased the home in July and immediately started looking at way to accommodate their new family member.
Mr. Heier asked if this is an attached accessory building on a thickened slab as stated on the building permit provided. Ms. Wollmuth said that verbiage is incorrect and it is an attached garage and that it would be located on a four foot foundation as required.

Mr. Heier asked if a permit was issued for the remodel of the master bedroom. Mr. Torgerson said they received two permits, one to remodel the master bedroom and another for the garage addition.

Mr. Heier asked how far apart the permits were issued. Ms. Torgerson said they tried to pull both permits at once but when they tried to relocate the garage they found utility lines in place and discovered they could not put the garage where they originally wanted to but knew they needed the bedroom and bathroom space so they continued with that permit alone.

Mr. Hoff asked for confirmation that when the contractor dug the footings the inspection was ok but then when the concrete was being poured the contractor stopped halfway through because of the depth, at which point the concrete was taken out and re-poured and a new inspection showed they were then too close to the front yard setback. Mr. Torgerson said that is correct.

Mr. Blaskowski said permitted residential additions go through residential plan review.

Mr. Hoff asked who the contractor was that poured the concrete. Mr. Torgerson said Hunt Construction was originally going to do the concrete but they backed out so it was completed by Colt Country Contracting out of Center.

Mr. Ubl asked if they did the addition plans themselves. Mr. Torgerson said they did.

Mr. Heier asked what the required footing width is on an attached garage. Mr. Blaskowski said it is 16 inches.

Chairman Marback asked if any comments were submitted from any neighbors. Ms. Wollmuth said none were received.

Mr. Torgerson said he visited with his neighbors on building closer to the front yard setback and none of them seemed to have an issue with it.

Mr. Ubl said builders and contractors need to know the requirements and the inspectors need to know to work with them on making sure the requirements are met. Mr. Blaskowski said he agrees with that and when it is a residential plan that does not require a full site plan review then everybody involved needs to be cognizant of the requirements.

Ms. Torgerson said they are also challenged with having two front yards because of their property being a corner lot.

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Mr. Hoff asked how much money they have invested into this project so far. Ms. Torgerson said approximately $15,000.

Mr. Seifert asked if they will have to remove and replant any of the existing evergreen trees. Ms. Torgerson said the one that needed to be removed has already been taken out as it would be a threat to the house if it ever fell. Mr. Torgerson said they have plans to continue to fill in with more trees to maintain the aesthetics of the surrounding landscape.

MOTION: A motion was made by Mr. Seifert to approve the variance to reduce the required front yard setback located along the southwest side of the property from forty (40) feet to twenty-five (25) feet for the purpose of constructing a garage addition to the existing single-family dwelling. The motion was seconded by Ms. Clark and with Board Members Hoff, Marback, Clark, Ubl and Seifert voting in favor of the motion, the motion was approved and the variance request was approved. Mr. Heier opposed the motion.

OTHER BUSINESS

Chairman Marback asked if there will be a meeting in January. Ms. Wollmuth said it is tentatively scheduled for January 8th and there is one potential applicant for that agenda.

Mr. Ubl asked if there are any ordinance amendments in process as they relate to parking for assembly spaces. Mr. Blaskowski said he is working with staff gradually to relook the ordinances as variances come up and they consider what amendments are needed the most at that time.

ADJOURNMENT

There being no further business, Chairman Marback declared the meeting of the Bismarck Board of Adjustment adjourned at 4:28 p.m. to meet again on January 8, 2015.

Respectfully Submitted,

_____

Hilary Balzum
Recording Secretary

APPROVED:

_____

Michael Marback, Chairman

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