

**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.

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

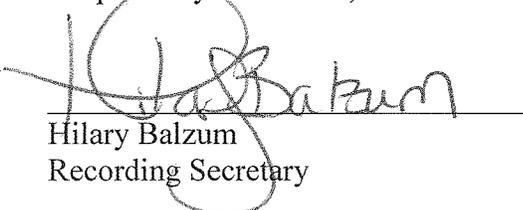
Chairman Marback asked if there will be a meeting in January. Ms. Wollmuth said it is tentatively scheduled for January 8th and there is one potential applicant for that agenda.

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