

**BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES
May 5, 2016**

The Bismarck Board of Adjustment met on May 5, 2016 at 5:00 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, Chris Seifert, Ken Heier, Ken Hoff and Michael Marback.

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

MINUTES:

Chairman Marback called for approval of the minutes of the April 7, 2016 meeting of the Board of Adjustment.

Mr. Heier said the end of the variance approval is missing from page 3.

MOTION: A motion was made by Mr. Hoff and seconded by Mr. Heier to approve the minutes of the April 7, 2016, with corrections to be made prior to publication. With Board Members Clark, Heier, Hoff, Marback and Seifert voting in favor, the minutes were approved.

Mr. Seifert stated he has a conflict with this particular request as a contracted vendor for Good Shepherd Lutheran Church. He said this will not have an impact on how he votes on the request but would like the Board to vote on keeping him on as a voting member.

MOTION: A motion was made by Mr. Hoff to allow Mr. Seifert to remain on the Board as a voting member for the following agenda item. The motion was seconded by Mr. Heier and with Board Members Clark, Heier, Hoff and Marback voting in favor of the motion, the motion was approved.

VARIANCES FROM SECTION 14-03-08(4)(Q) OF THE CITY CODE OF ORDINANCES (SPECIAL USES / CHILD CARE CENTER) AND FROM SECTION 14-03-10 OF THE CITY CODE OF ORDINANCES (OFF-STREET PARKING AND LOADING) – LOTS 1-8, BLOCK 25, CASEY'S 4TH ADDITION (106 OSAGE AVENUE)

Chairman Marback stated the applicant, Missouri Valley Family YMCA, is requesting variances to reduce the required front yard setback for the proposed outdoor recreation area, located on the north side of the property adjacent to East Divide Avenue, from

twenty-five (25) feet to twenty feet six inches (20'6") and to eliminate seventeen (17) off-street parking spaces required for the proposed child care center.

Ms. Wollmuth gave an overview of the request, including the following 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 classifications.
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.

Ms. Wollmuth said staff recommends reviewing the findings in the staff report and modifying them as necessary to support the decision of the Board.

Chairman Marback opened the public hearing.

Pastor Craig Schweitzer, Good Shepherd Lutheran Church, said they were contacted by the YMCA regarding their need for more child care space and they are excited for the opportunity to be able to help the community. He said the church is not themselves opening a child care center but rather offering up their facility and space for use by the YMCA.

Chairman Marback asked how they intend to handle scheduling conflicts if there happens to be an event like a wedding or funeral during child care hours.

Pastor Schweitzer said that has been discussed and since weddings are mostly on Saturdays there should not be an issue. He said in the even there is a funeral during child care hours, the children can be taken on a field trip or go over the main YMCA facility across the street so as to not interfere with other functions.

Mr. Hoff asked what the space needed indoor and outdoor is based off of. Ms. Wollmuth said indoor space by ordinance is 35 square feet per child and outdoor space is 75 square feet per child assuming children will rotate through that space and not all being outside at once. She said the parking ordinance requires there to be one space per employee and one space for every 10 children. She said the current parking regulations for a church is one space per every five seats available, which would require 98 spaces for this particular

church and that they are currently deficient in off-street parking because the extra lot owned by the church is across a public right-of-way to the south, and on the same lot as the church, however it is still utilized for church parking.

Ms. Clark asked if this is going to be a temporary use or a total relocation from another space. Pastor Schweitzer said Century Baptist Church currently houses a YMCA after school program but it is being renovated and after the remodel is complete will no longer be conducive for a child care use, so this relocation would be permanent.

Ms. Clark asked if pick-up and drop-off of children will take place on the east side of the church. Pastor Schweitzer said the space to be used is on the west side of the building so they would either enter south off of Osage Avenue or use the northwest entrance which is closer to the parking lot so as to avoid children having to cross the street.

Tim Olson, Missouri Valley Family YMCA Facilities Director, said the need for child care in the community is great. He said Century Baptist Church will no longer be a viable space after the building is remodeled so good community partners are needed to help as commercial space is financially not feasible at this time. He said he feels the relationship between the YMCA and Good Shepherd Lutheran Church makes this a good fit and their space can be used during unutilized times, making their space functional to its fullest capabilities. He said there will be a non-climbable fence around the outdoor play space and YMCA staff will be directed to park in the south lot off of Osage Avenue.

Mr. Seifert asked if after-school children will be bussed to this location. Mr. Olson said that is correct.

Mr. Seifert asked what the average length of pick-up times for each child might be. Mr. Olson said typically 5-10 minutes, being staggered anywhere from four o'clock to six o'clock.

Ms. Clark asked if the other YMCA site used in the church down the street has worked well. Mr. Olson said they have had a very positive experience at that location as well as at the expansion site at their Century Avenue location. He said that location is still gradually working towards full capacity.

Mr. Heier asked if it is the child care use that makes the variance for the outdoor recreation area necessary. Ms. Wollmuth said yes, that the ordinance states the outdoor play area must be behind the building with a non-climbable fence.

There being no further comments, Chairman Marback closed the public hearing.

MOTION: A motion was made by Ms. Clark to approve the variances to reduce the required front yard setback for the proposed outdoor recreation area, located on the north side of the property adjacent to East Divide Avenue, from twenty-five (25) feet to twenty feet six inches (20'6") and to eliminate

seventeen (17) off-street parking spaces required for the proposed child care center on Lots 1-8, Block 25, Casey's 4th Addition (106 Osage Avenue), based on the existing structure being landlocked and unique for re-use. The motion was seconded by Mr. Hoff and with Board Members Clark, Heier, Hoff, Seifert and Marback voting in favor of the motion, the motion was approved and the variance was granted.

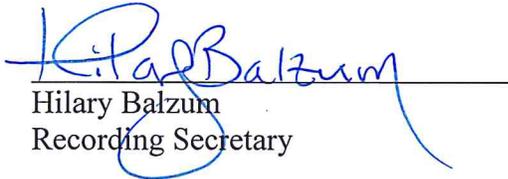
OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chairman Marback declared the meeting of the Bismarck Board of Adjustment adjourned at 5:22 p.m. to meet again on June 2, 2016.

Respectfully Submitted,


Hilary Balzum
Recording Secretary

APPROVED:


Michael Marback, Chairman