

**BISMARCK BOARD OF ADJUSTMENT  
MEETING MINUTES  
MAY 6, 2010**

The Bismarck Board of Adjustment met on May 6, 2010 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 Marback, Blair Ihmels, Jennifer Clark, and Ken Heier.

Staff members present were Ray Ziegler (Building Official), Gregg Greenquist (Planner), and Kim Riepl (Office Assistant).

Others present were Chris Hambrick, Bismarck.

**MINUTES**

Chair Marback asked for consideration of the April 1, 2010 minutes. Mr. Ihmels noted the following corrections to the April 1, 2010 minutes as the minutes incorrectly identified Chair Marback as being present:

- 1.) Strike "Chair Marback" as being present in Paragraph 1, indicate that Blair Ihmels was Acting Chair;
- 2.) Strike "Chair Marback" from Paragraph 4 (under "Minutes") and replace with "Acting Chair Ihmels";
- 3.) Strike "Chair Marback" in Paragraph 1, sentence 2, under "Variance" and replace with "Acting Chair Ihmels";
- 4.) Strike "Mr. Marback" in the last sentence of Paragraph 1 under "Variance" and replace with "Mr. Ihmels".

**MOTION:** A motion was made by Mr. Ihmels and seconded by Mr. Heier to approve the minutes of the April 1, 2010 meeting with recommended amendments. With all members voting in favor, the minutes were approved as amended.

Mr. Greequist provided additional information that was not available in the staff report for the requested variance. He referenced the memorandum dated April 30th included as part of the staff report, specifically Paragraph 2, describing the need for rezoning the Hambrick property to RR-Residential in the event the variance was approved. Mr. Greenquist stated that the Hambricks have already applied for the rezoning of the property from A-Agricultural to RR-Residential and that their request will be heard as a consideration item at the May 26, 2010 meeting of the City Planning & Zoning Commission.

**VARIANCE – CHRIS & ROBERTA HAMBRICK –8200 ARCATA DRIVE**

Mr. Hambrick requested a variance to construct a larger-than-allowed accessory building. Chair Marback read the applicant's reason for request as follows: "The applicants wish to construct a detached garage that would be larger than allowed by the ordinance. The proposed 30' x 40' building is 1200 square feet. An existing accessory

building is 1680 square feet. The maximum accessory building area for this 5-acre lot is 2178 square feet. The combined coverage of both buildings is 2880 square feet (702 square feet over the limit).” Mr. Marback asked if there was anything to be added.

Mr. Hambrick indicated a desire to clean up the appearance of the property as the lot was only 5 acres. He stated the barn was there when they purchased it, and it was their intent to remove the smaller storage buildings on the property and replace them with just one accessory building in which to store their tractor and other equipment.

Mr. Marback asked if the 12-foot by 12-foot shed as well as the 10-foot by 11-foot shed would be removed and Mr. Hambrick replied both those would be removed along with the gazebo located behind the house. Mr. Marback reiterated that the only two structures would then be the 40-foot by 40-foot barn and the proposed 30-foot by 40-foot accessory building and Mr. Hambrick stated that to be correct. He added that he had considered adding on to the garage but that the location of the septic system prevented that. He also noted that in talking with his neighbors, none of them had any objections to the proposed accessory building.

Mr. Ihmels asked if the zoning of the property affected the square footage requirements and was told it did not. It was emphasized the square footage coverage was 702 square feet, regardless of the zoning.

Mr. Hambrick explained they had considered a smaller structure that would be compliant with the allowable square footage but there simply would not be enough space in it to store the equipment they had. Discussion ensued regarding the sizing options of accessory buildings but it was determined that because of the location of the septic tank and drainfield, those options were not acceptable.

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 RR 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 the minimum variance that will 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; however, it is doubtful that it would be injurious to the neighborhood or otherwise detrimental to the public welfare.

**MOTION:** A motion was made by Mr. Ihmels to approve the request for a variance to construct a larger-than-allowed accessory building with the condition that the three existing outbuildings, the gazebo, the 12-foot by 12-foot shed and the 10-foot by 11-foot shed would be removed by the time the new accessory building construction was completed. Mr. Heier seconded the motion and with all members voting to approve, the motion to approve the request was passed.

**OTHER BUSINESS**

Mr. Greenquist informed the members of the Board of Adjustment that their April 1<sup>st</sup>, 2010 action regarding the Gary Marchus appeal had been upheld by the Bismarck Board of City Commissioners at their April 27, 2010 meeting.

Mr. Greenquist announced that the deadline for applications for the vacant positions on the Board of Adjustment was May 7, 2010, and that two applications had been received to date. He stated that Carl Hokenstad, Director of Community Development, would review the applications and forward recommendations to the Bismarck Board of City Commissioners for their appointment at the City Commission meeting of May 25, 2010.

Mr. Greenquist noted the June meeting would take place in the First Floor Conference Room of the City/County Building rather than in the Tom Baker Room.

Mr. Marback asked if there was a standard of recognition for Board members who had provided a commendable term of service, and hearing none, volunteered to initiate this effort with the Board's permission, to which the members of the Board agreed.

**ADJOURNMENT**

There being no further business, the meeting of the Bismarck Board of Adjustment was adjourned to meet again on May 6, 2010.

Respectfully Submitted,

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Kim Riepl  
Recording Secretary

APPROVED:  
  
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Michael Marback, Chair