



Community Development Department

**BISMARCK BOARD OF ADJUSTMENT
MEETING AGENDA
JULY 7, 2011**

Tom Baker Meeting Room

4:00 p.m.

City-County Office Building

MINUTES

1. **Minutes.** Consider approval of the minutes of the June 2, 2011 meeting.

REQUESTS

2. **7500 Gray Fox Lane (Paul Jundt)** Reconsider a request for a variance to reduce the front yard setback from 40-feet to 30-feet for the purpose of constructing a detached garage. *(This request was denied at the last meeting. The applicant requested a reconsideration to provide additional information.)*
3. **806 Canada Avenue (Hunt Boustead)** Request for a variance to reduce the side yard setback from 6-feet to 4-feet for the purpose of bringing the newly-constructed house into compliance.

ADJOURNMENT

4. **Adjourn.** The next regular meeting date is scheduled for August 4, 2011.



**BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES
JUNE 2, 2011**

The Bismarck Board of Adjustment met on June 2, 2011 at 4:00 p.m. in the First Floor Conference Room in the City-County Office Building, 221 North 5th Street. Board members present were Michael Marback, Blair Ihmels, Dean Conrad, Ken Heier, and Jennifer Clark.

Member absent was Jeff Ubl.

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

Others present were Dale Miller, Bismarck; Ania Diaz Gonzalez, Bismarck; Kay Plum, Bismarck.

MINUTES

Chair Marback asked for consideration of the April 7, 2011 minutes.

MOTION: A motion was made by Mr. Conrad and seconded by Mr. Ihmels to approve the minutes of the April 7, 2011, meeting as presented. With all members voting in favor, the minutes were approved.

VARIANCE – MILLER & SONS STORAGE & LEASING – 812 AIRPORT ROAD

Mr. Marback stated the applicant was requesting a variance to reduce the front yard setback from 15-feet to 9-feet for the purpose of constructing a storage facility. Mr. Marback indicated the site plan sketch and asked Mr. Miller if the building was actually located on 18th Street, to which Mr. Miller responded that was correct, but it is his understanding there are two physical addresses for the property, 812 Airport Road and 814 S. 18th Street. Mr. Miller also specified the buildings contain heated shops rather than storage units.

Mr. Conrad asked Mr. Ziegler if there was anything in the zoning ordinance that would limit the use of the property as shops rather than storage units. Mr. Ziegler explained the property is zoned MA-Industrial, and shops are a permitted use.

Ms. Clark asked Mr. Miller what necessitated the building being placed closer to the property line and Mr. Miller stated much of the need was for curb appeal, but he also explained there is an unrecorded water line that runs through his property. The original size of the building was to be 376-feet long, but because of the water line, he agreed to maintain a spacing of 20-feet to allow for the water line by splitting the building in two. This also meant he had to cut down on the size of the units. Mr. Marback asked if the water line runs between building #1 and building #2 and Mr. Greenquist confirmed that it does, running north and south, adding the main water line is on Airport Road but this one is not an individual water line as it serves several of the properties in the area. Mr. Heier asked if it was known where it connected to the main north/south water line and Mr. Miller replied it seems to run all the way north to Michigan Avenue but was unsure where it actually connected.

Mr. Ihmels asked how close the buildings would be to the north property line and Mr. Miller replied 2-feet. Mr. Ihmels asked Mr. Ziegler what requirements must be met if within 2-feet and Mr. Ziegler stated the building would have to have a 2-hour rating on it and Mr. Miller said that he has to have 5/8" sheetrock on both sides. He added he had cleaned 15 running feet of the adjacent property to the north of trees, pallets, and all kinds of garbage and junk for purposes of safety as well as access, and it also gave him some advantages in fire hydrant location and accessibility for the fire department. He emphasized his desire to have a neat and tidy appearance to his property and buildings.

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 MA 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 the variance to reduce the front yard setback from 15-feet to 9-feet. The motion was seconded by Mr. Heier, and with Mr. Conrad, Mr. Heier, Mr. Ihmels, and Mr. Marback voting in favor, and Ms. Clark voting in opposition, the motion was passed.

Mr. Conrad stated for the record that he commended Mr. Miller for his desire and efforts in developing his property in such a way as to promote a clean appearance and improve the neighborhood.

VARIANCE – ANIA DIAZ GONZALEZ – 620 N. 21ST STREET

Mr. Marback stated the applicant was requesting a variance to reduce the front yard setback from 25-feet to 21-feet for the purpose of constructing a covered deck. Ms. Gonzalez explained the reason for the covered deck was to prevent water from coming in her door, which had been causing damage to her floor. She was requesting the variance to allow her to build a deck of 8-feet rather than 4-feet as it (a larger deck) would add more to the looks of the house and the neighborhood.

Mr. Heier referenced comments from an adjacent property owner who opposed the variance. The opposing comment was addressed. An aerial view of the neighborhood showed some other homes were also within the front yard setback.

Ms. Clark asked if there was anything less Ms. Gonzalez could do to exempt her from the setback requirement and Mr. Ziegler explained if the deck was left uncovered or if it was constructed less than 18" from the ground it could go further out, but with the roof, more restrictions apply. Mr. Heier added with the roof, it is treated more like a house.

Ms. Clark suggested that a deck of 4-feet did not offer much curb appeal or protection from the elements. Mr. Heier added that the flat front of the house also did not provide much curb appeal, and the lack of overhang was causing the problem with water getting in.

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 R10 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. Heier to approve the request for the variance to reduce the front yard setback from 25-feet to 21-feet. The motion was seconded by Ms. Clark, and with all members voting in favor, the motion was passed.

VARIANCE – PAUL JUNDT – 7500 GRAY FOX LANE

Mr. Marback stated the applicant was requesting a variance to reduce the front yard setback requirement from 40-feet to 30-feet for the purpose of constructing a detached garage. Mr. Marback indicated the two letters of comment from adjacent property owners, neither of which objected to the requested variance.

Ms. Clark stated she had inspected the property and was unsure where the proposed detached garage would have to be placed to be in compliance with the setback as stated in the zoning ordinance. Mr. Greenquist offered an explanation, beginning by saying this is a rural residential district which means the front yard setback is 40-feet. He stated the applicant's lot contains a drain field in the back and has numerous tree rows. He indicated the aerial photo of the property and noted there is a low area, a drainage swale, directly south of the house. These items eliminate the potential areas for placement of the proposed garage, leaving only the front yard, where there exists a mature tree. Mr. Greenquist stated the applicant is requesting a variance of 10-feet to allow him to encroach on the 40-feet setback requirement, enabling him to

construct the garage without having to remove the mature tree. Ms. Clark asked about placement on the north side and the possible existence of utilities there, and Mr. Greenquist replied there is a side yard setback requirement of 15-feet, and there is no utility easement shown on the plat, but there may be service lines located in that area.

The question arose whether Mr. Jundt was the original owner of the house, and Mr. Conrad stated the applicant told him he was.

Mr. Heier commented he'd noticed no other accessory buildings out in front of the neighboring homes, most of them were either even with the principle structure or back further.

Ms. Clark identified the tree as the primary obstacle and stated she struggled with the idea of a tree preventing compliance to the ordinance. She asked Mr. Ziegler if she was missing something, and he confirmed the tree to be the basis of the need of the variance.

Ms. Clark questioned the historical ruling by the Board (on setbacks for accessory buildings in rural residential areas) and Mr. Marback replied decisions had been fairly consistent, with some being allowed. Mr. Ziegler recalled a similar request and a remark that was made at the time that if it wasn't more restrictive than what would be allowed in the city (which would be 25-feet) it was ok to allow it. Further discussion took place regarding similar requests and it was agreed that the tree, although it would be a shame to have to remove it, presented a marginal hardship.

Ms. Clark asked if the request must be taken to the County and Mr. Greenquist explained that because the property is within the 2-4 mile ETA, the County will be notified of the Board's decision and can then choose to either agree or disagree with it according to the joint jurisdiction legislation of 2009.

Staff Note: The County is notified only when development proposals are approved. Denials are not forwarded.

Lengthy discussion followed regarding the tree and any other possible placement of the proposed detached garage. It was the consensus of the Board members that it was unfortunate the applicant was unable to attend the meeting to provide more information.

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.

6. This property is in the ETA area of joint jurisdiction. Burleigh County will have the opportunity to comment.

MOTION: A motion was made by Mr. Conrad to deny the request for the variance to reduce the front yard setback from 40-feet to 30-feet. The motion was seconded by Mr. Heier, and with Ms. Clark, Mr. Heier, and Mr. Conrad voting in favor, and Mr. Ihmels and Mr. Marback voting in opposition, the motion to deny was passed.

ADJOURNMENT

There being no further business, Chair Marback declared the meeting of the Bismarck Board of Adjustment adjourned to meet again on July 7, 2011.

Respectfully Submitted,

Kim Riepl
Recording Secretary

APPROVED:

Michael Marback, Chair

Gregg Greenquist

Subject: Reconsideration Request

From: Paul Jundt
Sent: Wednesday, June 08, 2011 5:29 PM
To: ggreenquist@nd.gov
Subject: Variance Reconsideration

Mr. Greenquist

I would like to request that my Variance application be reconsidered by the Board of Adjustment and would appreciate it if you could place me on the agenda for the next meeting on July 7th so that I may be present and answer any questions that the board may have for me. Thank you.

Paul Jundt



Community Development Department

June 9, 2011

Paul Jundt
7500 Gray Fox Lane
Bismarck, ND 58503

RE: Variance Request – 7500 Gray Fox Lane, (Lot 7, Block 2, Fox Haven 1st Subdivision)

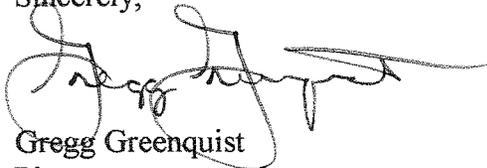
Dear Mr. Jundt:

The purpose of this letter is to inform you that your request for a variance to reduce the front yard setback from 40-feet to 30-feet for the purpose of constructing a detached garage at the above-referenced property was denied by the Board of Adjustment on June 2, 2011.

We received your written request for the Board of Adjustment to reconsider your variance. Chairman Marback has agreed to do this because you were unable to attend the June 2nd meeting. Your variance request will be on the agenda of the July 7, 2011 meeting of the Board of Adjustment.

If you have any questions or need additional information, please feel free to call our office at 701-355-1840.

Sincerely,



Gregg Greenquist
Planner

cc: Ray Ziegler, Fire & Inspections
W.C. Wocken, City Administrator

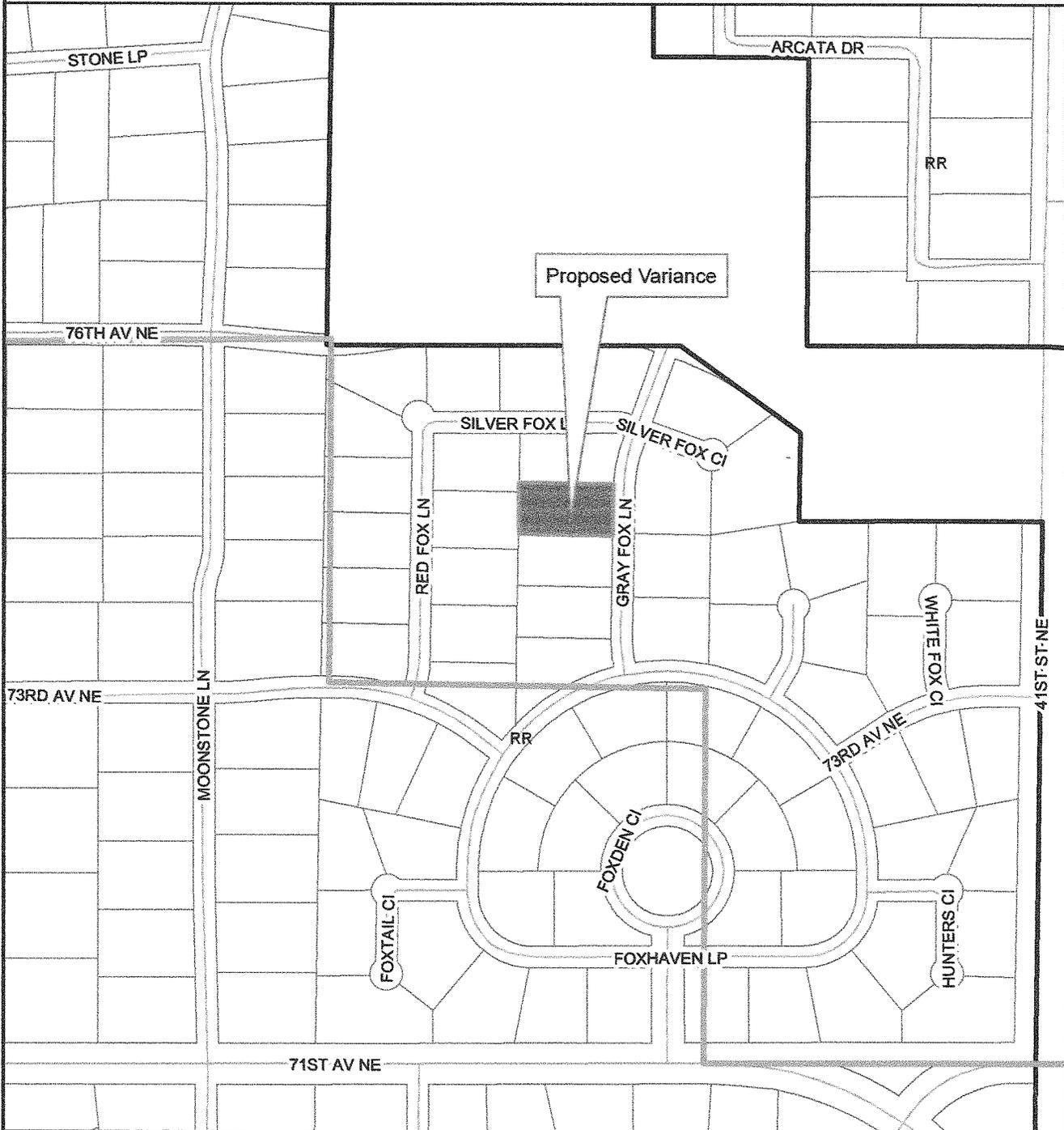
GG/klr

Bismarck-Burleigh County Community Development Department
221 North 5th Street • PO Box 5503 • Bismarck, ND 58506-5503 • TDD: 711 • www.bismarck.org

**BISMARCK-BURLEIGH COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

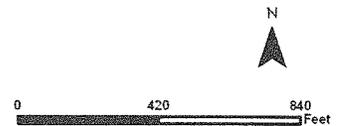
BACKGROUND:	
Title: 7500 Gray Fox Lane – front yard setback for a detached garage (reduce from 40-feet to 30-feet) (Lot 7, Block 2, Foxhaven First Subdivision)	
Status: Board of Adjustment	Date: June 2, 2011
Owner(s): Paul Jundt	
Reason for Request: For a detached garage, the applicant is requesting to construct the garage 30-feet from the front property line along Gray Fox Lane.	
Location: Northeast of Bismarck in Foxhaven First Subdivision located 1¼ miles east of US Hwy 83 on 71 st Avenue, NE, then approximately ½ mile north, on the west side of Gray Fox Lane between Silver Fox Lane and Foxhaven Loop.	
Applicable Provision(s) of Zoning Ordinance: 14-04-01 (7). Front yard. Each platted lot shall have a front yard not less than forty (40) feet in depth as measured from the front property line.	
FINDINGS:	
<ol style="list-style-type: none"> 1. The need for a variance may be 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. 6. This property is in the ETA area of joint jurisdiction. Burleigh County will have the opportunity to comment. 	
RECOMMENDATION:	
Staff recommends reviewing the above findings and modifying them as necessary to support the decision of the Board. If granted, the variance must be put to use within 24 months or it shall lapse and the landowner must reapply.	

Proposed Variance
Lot 7, Block 2, Fox Haven 1st Subdivision
7500 Gray Fox Lane



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: May 18, 2011 (kl)

Source: City of Bismarck



North
↓



GRAY FOX LN

APPLICATION FOR VARIANCE

WRITTEN STATEMENT

Question #5:

Lot 7, Block 2, Fox Haven 1st addition is a narrow, rectangular lot with limited options for construction of a detached garage. The lot has a gradual slope from west to east. This lot is unique and unlike the others on the block in that it has a drainage swale and a collection basin that was designed and created by the builder of the primary residence. These areas are to provide a path for water runoff to the drainage ditch in the front of the property. This lot collects a large amount of snow during the winter due to shelterbelts that have been planted on all sides of the lot. The spring snowmelt makes the swale and collection basin necessary. These areas also provide relief during periods of heavy rainfall in summer, fall, and spring. The current setback requirement combined with the topographical features and existing septic system on the lot severely reduce the possible areas where the detached garage can be constructed without creating an asymmetrical placement of buildings on the property. The attached overhead photo of the lot shows locations of the septic system drain field and natural drainage swale around the primary residence. Also shown are the shelterbelts located on all sides of the lot that reduce the amount of usable area for the detached garage. The collection basin is visible on the south side of the primary residence which connects to the swale that runs around the primary residence. All utility lines run on the north side of the property and require a 15 foot sideyard setback for access. Due to all of the aforementioned items, the only logical and reasonable location for the detached garage is to the immediate east of the primary residence, or almost directly in front of it.

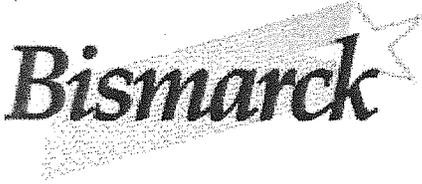
Question #6:

The above physical limitations and existing setback would require the construction of the detached garage to be almost directly in front of the primary residence and very close to it. Such placement of a detached structure would not correspond with the placement of other detached structures on the block and would likely devalue the property. The current setback requirement would require that the structure be placed in close proximity to the primary residence. This would take up much of the existing front lawn area and would give the property a cramped and asymmetrical look as the buildings would be in very close proximity to one another with a considerable amount of space in front and behind each building. This asymmetrical placement of the structure could reduce the resale value of the property and again would cause it to be unlike the other homes in the area. It is possible that this would affect the resale value of the surrounding homes as well. The property has a large tree located near the area where the garage would have to be placed under the existing setback requirement. The detached garage would be 5 feet from the base of the tree and would have to be built underneath the foliage of the tree. This would make any siding and roof work on the detached garage difficult. Placing the detached garage so close to the tree puts it at risk for damage due to possible falling branches. During storms, this tree has lost branches as long as 15 feet due to high winds. Moving the proposed detached garage farther away from the tree alleviates the problem. The tree is one of only a few well established trees on the entire lot and it is the desire of the property owner to keep it in place for that

reason. It is possible that by removing this tree from the front yard, it could also devalue the property by giving it a somewhat barren appearance. For the above reasons, the property owner feels that having to construct a detached garage in compliance with the current setback requirement is not logical and an unreasonable use of the land for the owners of the primary residence.

Question #7:

The requested 10 foot variance is the minimum amount needed to properly locate the detached garage so that the primary residence and the detached garage are symmetrical and conform to the placement of other detached structures on the block. The requested variance allows the homeowner to maintain the aesthetic aspects of a normal residence on the block and not devalue the property. The requested variance will also minimize the risk of damage to the detached garage due to possible broken branches or limbs from the tree located in front of the primary residence. The distance from the middle of the street running in front of the primary residence to the nearest edge of where the unattached garage would be placed using the existing easement is 80 feet. Reducing the amount of setback by 10 feet would have no negative impact. This variance still provides ample space for access to all utilities and future changes to the easement area, such as street widening or addition of sidewalks.



COPY

CITY OF BISMARCK
BUILDING DIVISION
221 N 5TH ST
BISMARCK, ND 58506-5503
PH (701) 355-1465

CITY OF BISMARCK / ETA & BURLEIGH COUNTY

RECEIVED DATE: 5/13/11

CONTACT INFORMATION:

1. Name: Paul Jundt

2. Phone Number: 701-226-1558

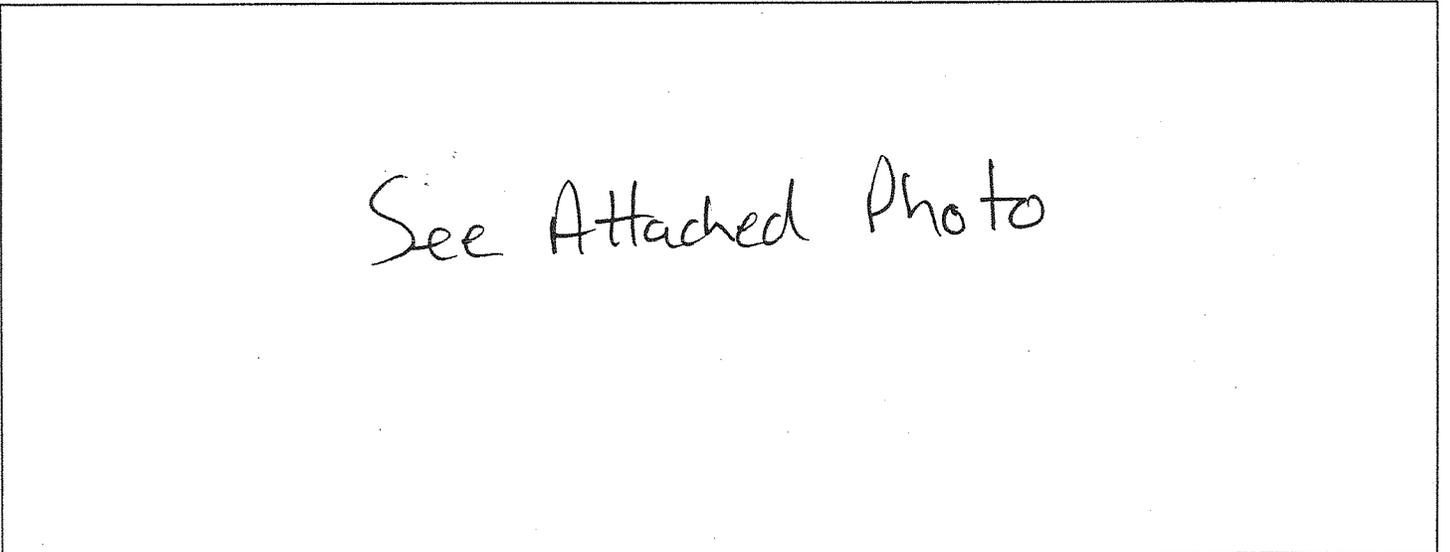
3. Property Address: 7500 Gray Fox Lane

4. Location of Property: City of Bismarck ETA Burleigh Country

5 Reason for variance Current setback would put garage under the existing tree in yard. Garage would be only 5 feet from tree.

To reduce front yard setback to 30

6. In the space below, please draw your lot, all existing buildings located on your lot and the proposed structure. Include dimensions of buildings, distance between buildings and your property lines.



7. Your application has been reviewed. It has been:

Approved

Denied

Reviewed By:



Date:

9/16/11

8. Reason for denial:

40' set back is required

Please make the corrections and resubmit the application

Please note that an application for a permit is deemed to be abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued. Therefore, supply us with the required plans at your earliest convenience.

Gregg Greenquist

Subject: Paul Jundt variance request

From: Scott Weisz
Sent: Tuesday, May 24, 2011 2:16 PM
To: cobplan@nd.gov
Subject: Paul Jundt variance request

Mr. Greenquist,

My property is directly to the south of Paul Jundt's. My address is 7490 Gray Fox Lane. I have no problems at all with the variance reduction that Paul is requesting. In my opinion, it will do no harm to the surrounding properties. I don't think that it will take away from the neighborhood look at all. Most people have detached garages in the neighborhood already, including myself, so it is not like it will look out of place. Again, I have no problems at all with this request.

Thank you,

Scott Weisz
7490 Gray Fox Lane
Bismarck, ND 58503

Gregg Greenquist

Subject: FW: Paul Jundt request

From: Duane Boeder
Sent: Tuesday, May 31, 2011 1:22 PM
To: 'ggreenquist@nd.gov'
Cc: 'Paul Jundt'; DUANE JENNIFER BOEDER
Subject: Paul Jundt request

Gregg, I live at 7501 Gray Fox Lane Bismarck ND. Paul Jundt is my neighbor and is planning on putting an external garage on his property.

This garage will be directly across from my property. Paul has showed me where he plans to have it built.

I have no problem with the variance he has asked for moving it closer to the road.

I was planning on coming the meeting on Thursday but do to the flooding occurring I will not be able to attend. Please email or call me with any questions, concerns etc.

Thank You Duane Boeder

**BISMARCK-BURLEIGH COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

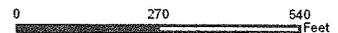
BACKGROUND:	
Title: 806 Canada Avenue – side yard setback for a house (from 6-feet to 4-feet) (Lot 3, Block 1, Sonnet Heights Subdivision 4 th Replat)	
Status: Board of Adjustment	Date: July 7, 2011
Owner(s): Boustead Properties Inc. (Hunt Boustead)	
Reason for Request: The applicant has constructed a house that encroaches on the side yard.	
Location: North Bismarck. Located west of US Highway 83 on the north side of Canada Avenue (about 4 tenths of a mile west of Furniture Row).	
Applicable Provision(s) of Zoning Ordinance: 14-04-06(8). Side yards. . . The sum of the widths of the two (2) side yards shall not be less than twenty (20) percent of the average width of the lot (see attachment for complete citation and lot dimension computations).	
FINDINGS:	
<ol style="list-style-type: none"> 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 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. 	
RECOMMENDATION:	
Staff recommends reviewing the above findings and modifying them as necessary to support the decision of the Board. If granted, the variance must be put to use within 24 months or it shall lapse and the landowner must reapply.	

Proposed Variance
806 Canada Avenue
Lot 3, Block 1, Sonnet Heights Subdivision 4th Replat



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: June 27, 2011 (klr)

Source: City of Bismarck



Zoning Ordinance Citation

14-04-06. R10 Residential District.

8. Side yards. Each lot shall have two (2) side yards, one on each side of the principal building. The sum of the widths of the two (2) side yards shall not be less than twenty (20) percent of the average width of the lot, except in cases where the ratio between the front lot width and the rear lot width is three (3) or greater. On any lot having an average width of sixty (60) feet or less, each side yard shall not be less than ten (10) percent of the average width of the lot, and in no case shall a side yard be less than five (5) feet in width. On any lot having an average width greater than sixty (60) feet, neither side yard shall be less than six (6) feet in width. On any lot where the ratio between the front lot width and the rear lot width is three (3) or greater, the sum of the widths of the two (2) side yards need not be greater than sixteen (16) feet with neither side yard being less than eight (8) feet. No building on a corner lot shall have a side yard on the side street less than twenty-five (25) feet in width. Side yard measurements are to be taken at right angles to the building at the closest points to a property line.

Note:

The average width of the subject lot is $67.42'$ ($56.83' + 78.00' / 2 = 67.42'$)

20% of $67.42' = 13.48'$

The sum of the widths of the two side yards, as constructed, is $14'$ ($10' + 4'$)

There is a dimensional discrepancy between the lot survey exhibit and the exhibit provided by the applicant. The lot survey exhibit which shows the proposed design dimensions the combined side yard setbacks of $14.22'$ ($8.22 + 6'$).

The sketch provided by the applicant shows a combined side yard setback of $14.00'$, a difference of $0.22'$ (about 3-inches).

Differences in methods of measurement may account for this discrepancy.

2010-01680

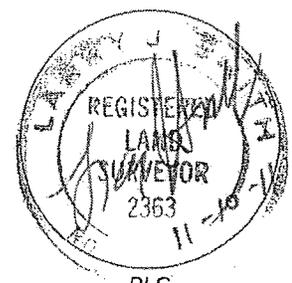
LOT SURVEY EXHIBIT

LOT 3 BLOCK 1
 SUBDIVISION Sonnet Heights 4th Replat
 ADDRESS 806 Canada Avenue
 BUILDER Huntington Homes



SCALE: 1" = 50'
 DATE: 11/10/10

- ⊙ FOUND MONUMENT
- ⊙ SET MONUMENT
- ⊠ BUILDING SETBACK OR NON-ACCESS STAKE



NOTES

THE BUILDING SETBACK LINES SHOWN ARE TYPICAL, THERE MAY BE OTHER BUILDING RESTRICTIONS THAT AFFECT THIS PROPERTY. THE BUILDER IS RESPONSIBLE FOR VERIFYING THE BUILDING SETBACKS. DIMENSIONS ARE FROM PLAT. BUILDING AS SHOWN WAS NOT FIELD STAKED AND POSITION MAY CHANGE FROM THAT SHOWN.

FAXED TO: _____ DATED: 11/10-10
 BUILDER OR OWNER (email/mail)



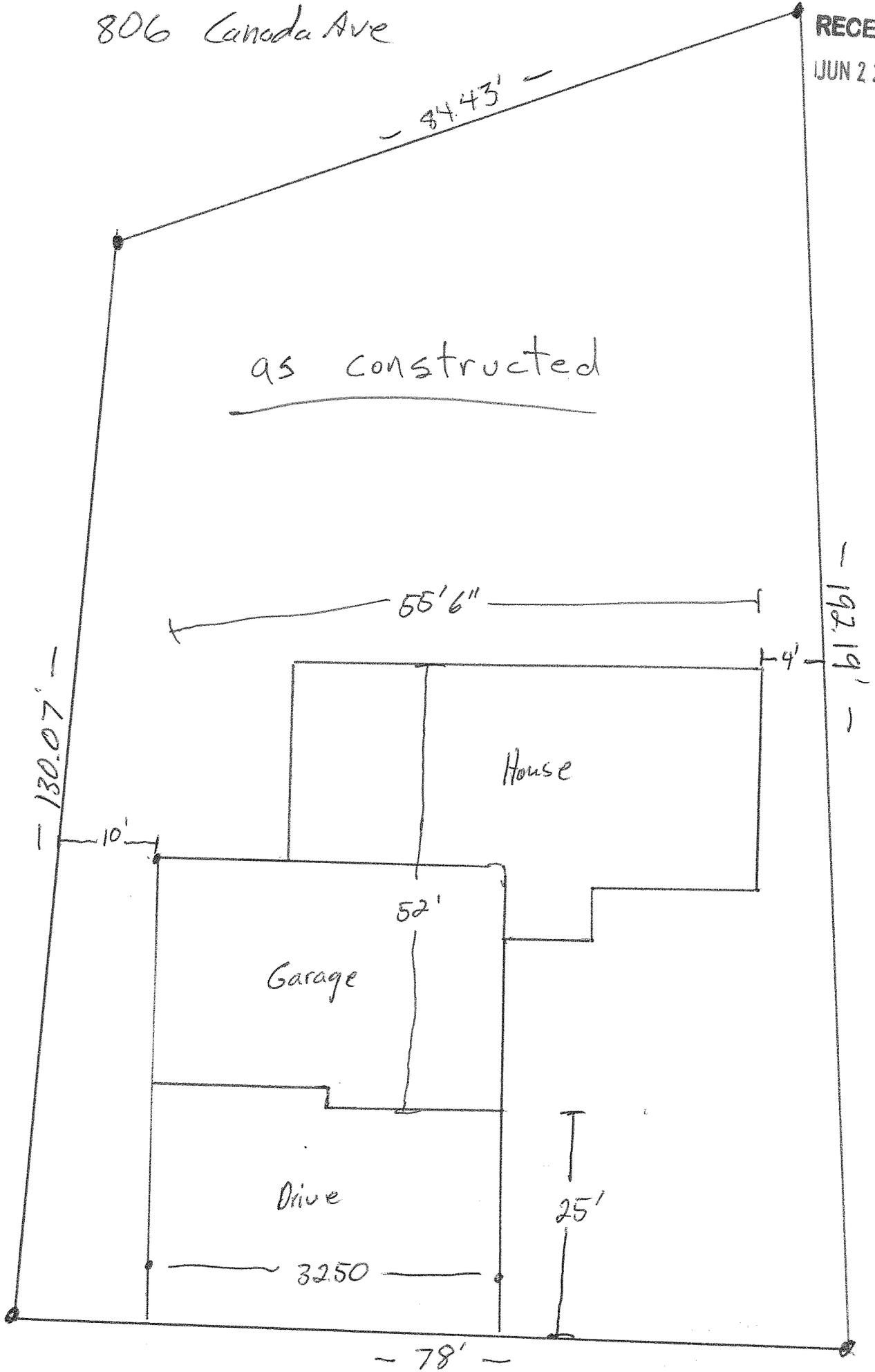
SWENSON, HAGEN & COMPANY P.C.
 909 Basin Avenue
 Bismarck, North Dakota 58504
 sheng@swensonhagen.com
 Phone (701) 223 - 2600
 Fax (701) 223 - 2606

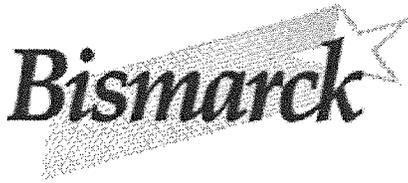
Surveying
 Hydrology
 Land Planning
 Civil Engineering
 Landscape & Site Design
 Construction Management

806 Canada Ave

RECEIVED

JUN 22 2011





RECEIVED

CITY OF BISMARCK
BUILDING DIVISION
221 N 5TH ST
BISMARCK, ND 58506-5503
PH (701) 355-1465

JUN 22 2011

CITY OF BISMARCK / ETA & BURLEIGH COUNTY

RECEIVED DATE: _____

CONTACT INFORMATION:

1. Name: Hunt Boustead / Huntington Homes of Bismarck

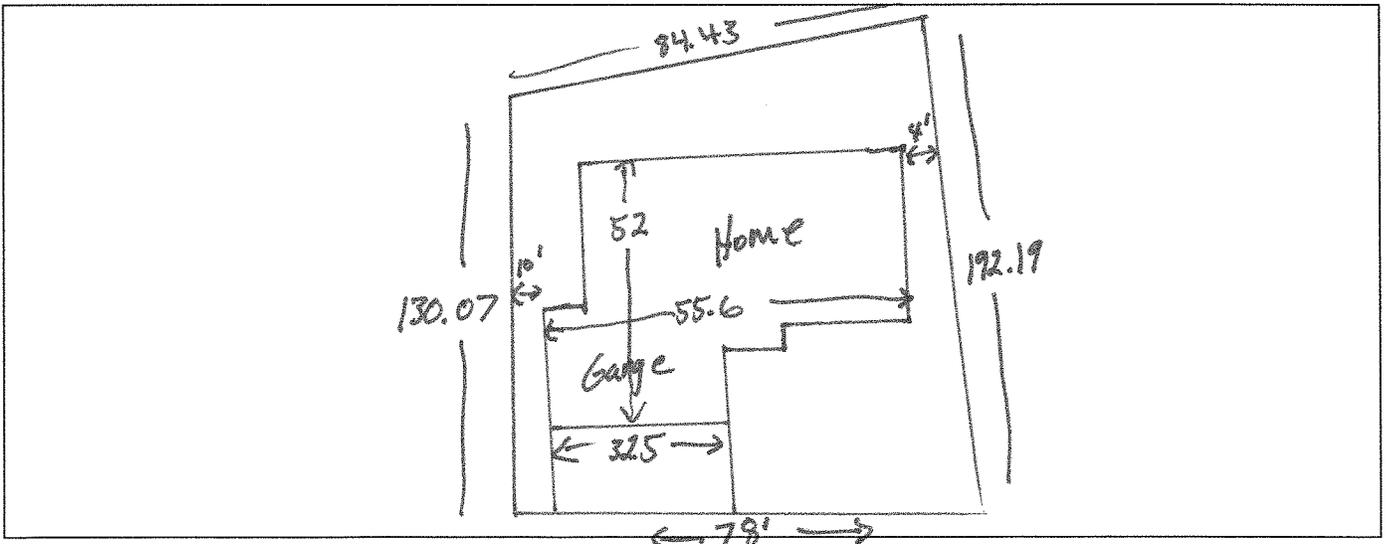
2. Phone Number: 701-471-4673

3. Property Address: 806 Canada Ave. Bismarck, ND 58503

4. Location of Property: City of Bismarck ETA Burleigh Country

5 Reason for variance Completed new construction primary dwelling constructed within 4 ft of east property line. After completion of dwelling and after receiving occupancy certificate builder discovered violation of ordinance.

6. In the space below, please draw your lot, all existing buildings located on your lot and the proposed structure. Include dimensions of buildings , distance between buildings and your property lines.



7. Your application has been reviewed. It has been:

Approved

Reviewed By:

Ray Gu

Denied

Date:

6-22-11

8. Reason for denial:

6' of side yard is required
as indicated on the Lot Survey

Please make the corrections and resubmit the application

Please note that an application for a permit is deemed to be abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued. Therefore, supply us with the required plans at your earliest convenience.

**CITY OF BISMARCK/ETA & BURLEIGH COUNTY
APPLICATION FOR APPROVAL OF A VARIANCE
WRITTEN STATEMENT**

1. Property Address or Legal Description:

2. Location of Property: City of Bismarck ETA Burleigh County

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.)

Existing new construction home is within 4ft of property line. Issue found by ^{builder} ~~contractor~~. Certificate of occupancy has been issued.

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

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

Request to simply comply.