

## **BOARD OF ADJUSTMENT MINUTES**

**Regular Meeting:**

**Tuesday:**

**February 24, 2015**

The Regular Meeting of the Board of Adjustment of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 9:00 o'clock a.m., Tuesday, February 24, 2015.

The Members present or absent were as follows:

Present: Dominic Fischer, Russell Ford-Dunker, Michael Love, Mark Lundberg, Deb Wendel-Daub

Absent: Ken Lepper

Acting Chair Wendel-Daub called the meeting to order.

**Item 1: Approval of Minutes: Regular Meeting of January 27, 2015**

Member Fischer moved the minutes of the January 27, 2015 Board of Adjustment meeting be approved. Second by Member Love. All Members present voted aye and the motion was declared carried.

**Item 2: Old Business**

No old business was discussed.

**Item 3: New Business**

**a) Appeal of an Administrative Decision: Appellant claims that staff erred in not approving building plans due to staff's interpretation of Section 20-0216.D.3.d.1.i of the Land Development Code, relating to building articulation in the UMU, University Mixed-Use zoning district: DENIED**

Planner Aaron Nelson presented an overview on the background regarding staff's decision to deny the applicant's request for a building permit to construct a new 18-unit townhome complex that includes two 5-unit buildings, and one 8-unit building. He explained upon review of the building plans, staff determined that the 8-unit building did not meet the 2-foot building articulation requirement of the UMU, University Mixed Use zoning district and Section 20-0216.D.3.d(1) of the Land Development Code. Mr. Nelson stated the applicant feels staff erred in their decision and is bringing the appeal before the Board of Adjustment for a ruling.

Applicant and property owner Tom Fischer spoke on behalf of the project. Mr. Fischer stated he felt the Land Development Code is unclear in regards to the building articulation and offset requirements in the UMU, University Mixed Use zoning district.

Discussion by the Board further explored the criteria and guidelines staff used when reviewing this proposal.

Ken Lepper, area property owner and resident of the Roosevelt neighborhood, spoke in opposition of the proposal.

Member Love moved to affirm staff's decision to deny the appellant's request for a building permit, as the proposed site plan does not meet the requirement of Section 20-0216.D.3.d(1) of the Land Development Code. Second by Member Lundberg. Upon call of the roll Members Love, Fischer, Lundberg, Wendel-Daub, and Ford-Dunker voted aye and the motion was declared carried.

**Item 4: Other Business**

No other business was discussed.

**Item 5: Adjournment:**

Member Ford-Dunker moved to adjourn the meeting at 9:38 a.m. Second by Member Fischer. All Members present voted aye and the motion was declared carried.