

**BOARD OF ADJUSTMENT
MINUTES**

Regular Meeting:

Tuesday:

May 24, 2016

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, May 24, 2016.

The Members present or absent were as follows:

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

Absent: None

Chair Wendel-Daub called the meeting to order.

Item 1: Approve Order of Agenda

Member Love moved the Order of Agenda be approved as presented. Second by Member Lundberg. All Members present voted aye and the motion was declared carried.

Item 2: Approval of Minutes: Regular Meeting of October 27, 2015

Member Fischer moved the minutes of the October 27, 2016 Board of Adjustment meeting be approved. Second by Member Love. All Members present voted aye and the motion was declared carried.

Item 3: Old Business

No old business was discussed.

Item 4: New Business

a) Appeal of an Administrative Decision

Appellant claims that staff erred in not allowing firearm sales as a home occupation: DENIED

A Hearing had been set for April 26, 2016; however, the applicant requested the Hearing be continued to this time and date.

Planner Aaron Nelson presented an overview on the background regarding staff's decision to deny the applicant's request. He explained the Relevant Code Provisions supporting staff's decision referring to the section of the Land Development Code included in the packet. Mr. Nelson stated the applicant feels staff erred in their decision and is bringing the appeal before the Board of Adjustment for a ruling.

Further discussion evolved regarding staff's interpretation of the Land Development Code as it relates to the North Dakota Century Code, and federal Law administered by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

City Attorney Erik Johnson spoke and affirmed his opinion as stated in the attached document included in the packet.

Applicant Andrew Curtis spoke on behalf of his appeal.

Member Love moved to affirm staff's interpretation that the sale of firearms as a home occupation is prohibited by Section 20-0403(C)(5)(e) of the Land Development Code. Second by Member Ford-Dunker. Upon call of the roll Members Love, Fischer, Lundberg, Ford-Dunker, and Wendel-Daub voted aye and the motion was declared carried.

Item 5: Other Business

No other business was discussed.

Item 6: Adjournment:

Member Fischer moved to adjourn the meeting at 9:26 a.m. Second by Member Love. All Members present voted aye and the motion was declared carried.