

**BOARD OF ADJUSTMENT  
MINUTES**

**Adjourned Regular Meeting:                      Thursday:    June 30, 2016**

The Regular Meeting of the Board of Adjustment of the City of Fargo, North Dakota, was scheduled to be held in the City Commission Room at City Hall at 9:00 o'clock a.m., Tuesday, June 28, 2016; however, no quorum was present to take action on new business items; therefore, the Meeting was continued to Thursday, June 30, 2016 at 9:30 a.m.

The Members present or absent were as follows:

Present:            Deb Wendel-Daub, Russell Ford-Dunker, Michael Love, Mark Lundberg,  
                         Mike Mitchell

Absent:            Dominic Fischer

Chair Wendel-Daub called the meeting to order stating this meeting is a continuation of the Board's regular meeting held on Tuesday, June 28, 2016.

**Item 1:            Approval of Minutes: Regular Meeting of May 24, 2016**

Chair Wendel-Daub stated the minutes from the May 24, 2016 meeting were approved at the June 28, 2016 meeting.

**Item 2:            Old Business**

No old business was discussed.

**Item 3:            New Business:**

**a) Variance Request – 813 Kennedy Court North: Request for a variance of Section 20-0403 of the Land Development Code. The requested variance is to allow construction of a detached garage that would exceed the maximum allowable height for an accessory structure within the SR-3, Single-Dwelling Residential zoning district: WITHDRAWN**

This was the date and time set for a Hearing on an application requesting a variance for property located at 813 Kennedy Court North; however, the applicant has withdrawn the request.

**b) Variance Request – 1524 8th Street South: Request for a variance of Section 20-0403 of the Land Development Code. The requested variance is to allow construction of a detached garage that would encroach into the required interior-side setback area within the SR-2, Single-Dwelling Residential zoning district: DENIED FOR LACK OF A SUPERMAJORITY**

Planner Aaron Nelson presented the staff report and reviewed the criteria used during staff's analysis of the request. Mr. Nelson stated staff is recommending denial as review criteria a and c have not been met.

Applicant David Gadberry spoke on behalf of his application.

Member Love moved the findings of staff be accepted and the variance to allow a building to encroach into the required interior-side setback in the SR-2, Single-Dwelling zoning district be denied, on the basis that the review criteria of Section 20-0914.E.1 (a and c) have not been met. Second by Member Mitchell. Upon call of the roll Members Love, Ford-Dunker, and Wendel-Daub voted aye. Members Lundberg and Mitchell voted nay. Absent and not voting: Member Fischer. The motion was declared failed and the variance was declared denied for lack of a supermajority.

**Item 5: Other Business**

No other business was discussed.

**Item 6: Adjournment:**

Member Love moved to adjourn the meeting at 9:17 a.m. Second by Member Lundberg. All Members present voted aye and the motion was declared carried.