

**BOARD OF ADJUSTMENT
MINUTES**

Regular Meeting:

Tuesday:

July 28, 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, July 28, 2015.

The Members present or absent were as follows:

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

Also present: Nicole Crutchfield

Absent: Dominic Fischer

Vice 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 Ford-Dunker. All Members present voted aye and the motion was declared carried.

Item 2: Approval of Minutes: Meeting of July 16, 2015

Member Ford-Dunker moved the minutes of the July 16, 2015 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.

Vice Chair Wendel-Daub noted with 4 of the 5 Board Members present and the requirement of 4 affirmative votes for a motion to pass, the applicant has the option to reschedule. Applicant representative David Manns, ICON Architectural Group stated he would like the meeting to proceed.

Item 4: 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 A.2.3 of Conditional Overlay Ordinance No. 4978, relating to architectural feature along building façades.

Planner Aaron Nelson proceeded with a background overview regarding staff's decision to deny the applicant's request to construct a new commercial building, as the proposed building plans did not meet the requirements of Section A.2.3. of the C-O, Conditional Overlay zoning district standards. He explained the relevant facts supporting staff's

decision and referred to documents included in the staff report. Mr. Nelson stated the applicant is bringing the appeal of administrative decision before the Board of Adjustment for a ruling.

Board discussion ensued concerning further clarification of the specific façade design requirements needed for this proposal to meet the approval criteria.

Representative David Manns, ICON Architectural Group, spoke on behalf of the applicant. Mr. Manns submitted updated documents to the Board depicting recent revisions made to the original building plans to the northern façade of the building.

Member Lundberg moved to affirm staff's decision to require additional arcades, display windows, entry areas, awnings, or other such features along the north façade of the proposed building. Second by Member Love.

Further discussion by the Board focused on if (in addition to vertical architectural features) horizontal architectural features could be used to meet the required 60% measurement.

Upon call of the roll Members Love and Lundberg voted aye. Members Wendel-Daub and Ford-Dunker voted nay. Absent and not voting: Member Fischer. The motion was declared failed for lack of a supermajority.

Member Ford-Dunker moved to overturn the staff's decision to require additional arcades, display windows, entry areas, awnings, or other such features along the north façade of the proposed building. Second by Member Wendel-Daub. Upon call of the roll Members Wendel-Daub and Ford-Dunker voted aye. Members Love and Lundberg voted nay. Absent and not voting: Member Fischer. The motion was declared failed for lack of a supermajority.

b) Variance Request – 1005 South Drive South: Request for a variance of Section 20-0501 of the Land Development Code. The requested variance is to allow construction of a building that would encroach into the required interior-side setback area within the SR-2, Single-Dwelling Residential zoning district: CONTINUED TO THE AUGUST 25, 2015 MEETING

Item 5: Other Business

a) Nomination and Election of Officers

Member Love moved Deb Wendel-Daub be nominated as Board of Adjustment Chair. Second by Member Lundberg. Member Wendel-Daub moved Mike Love be nominated as Board of Adjustment Vice Chair. Second by Member Lundberg. All Members present voted aye and the motion was declared carried.

b) Recognition of Ken Lepper for dedicated service as a member of the Board of Adjustment.

Member Wendel-Daub Deb recognized Ken Lepper's eleven (11) years of service as a Member and Chair on the Board of Adjustment.

Item 6: Adjournment:

Member Love moved to adjourn the meeting at 9:46 a.m. Second by Member Ford- Dunker. All Members present voted aye and the motion was declared carried.