

**BOARD OF ADJUSTMENT
MINUTES**

Regular Meeting:

Tuesday:

September 22, 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, September 22, 2015.

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

Item 2: Approval of Minutes: Regular Meeting of August 25, 2015

Member Fischer moved the minutes of the August 25, 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

a) Variance Request – 3333 39th Street South.

Request for a variance of Article 20-06 of the Municipal Code. The requested variance is to allow earth fill around a proposed building to be approximately 1.5 feet lower than what is required by the City's Floodproofing Code: CONTINUED TO OCTOBER 27, 2015

A hearing had been set for August 25, 2015. At the August 25, 2015 meeting the Hearing was continued to this date and time; however, the applicant has requested the application be continued to October 27, 2015.

Item 4: New Business

a) 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 addition 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

A Hearing had been set for July 16, 2015. At the July 16, 2015 meeting the Hearing was continued to August 25, 2015. At the August 25, 2015 meeting the Hearing was continued to this date and time.

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

Applicant Amy Liesinger spoke on behalf of the proposal. She submitted additional documents to the Board that included photos of their existing home, and a document signed by neighbors adjacent to the property in favor of the proposal.

Board discussion followed regarding the existing Land Development Code (LDC) and how it does not clearly address these types of requests in the review criteria staff follows. It was noted by the Board that the code is currently under review by the Land Development Code Task Force.

Member Ford-Dunker moved the findings of staff be accepted and the requested variance to allow construction of a building addition that would encroach into the required interior-side setback area within the SR-2, Single-Dwelling Residential zoning district be denied, on the basis that the review criteria of Section 20-0914.E.1 have not been met. Second by Member Love. Upon call of the roll Members Ford-Dunker and Love voted aye. Members Fischer, Lundberg, and Wendel-Daub voted nay. 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 Fischer moved to adjourn the meeting at 9:21 a.m. Second by Member Love. All Members present voted aye and the motion was declared carried.