

**BOARD OF ADJUSTMENT
MINUTES**

Regular Meeting:

Tuesday:

October 25, 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, October 25, 2016.

The Members present or absent were as follows:

Present: Matthew Boreen, Russell Ford-Dunker, Michael Love, Mike Mitchell

Absent: Deb Wendel-Daub, Mark Lundberg

Vice Chair Love called the meeting to order.

Item 1: Approve Order of Agenda

Member Ford-Dunker moved the Order of Agenda be approved as presented. Second by Member Mitchell. All Members present voted aye and the motion was declared carried.

Item 2: Approval of Minutes: Regular Meeting of September 27, 2016

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

Item 3: New Business

a) Variance Request – 1005 27th Street North: Request for a variance of Sections 20-0403(B) and 20-0501 of the Land Development Code (LDC). The requested variance is to allow a proposed 8-foot-tall fence to encroach 3 feet into the required 3-foot fence setback and 5 feet into the required 5-foot interior-side setback within the SR-3, Single-Dwelling Residential zoning district: DENIED

Assistant Planner Barrett Voigt presented the staff report and reviewed the criteria used during staff's analysis of the request. He noted a correction to the background information in the staff report stating that the above property is located in the SR-3, Single-Dwelling Residential zoning district and not in the SR-2, Single-Dwelling Residential zoning district. Mr. Voigt stated staff is recommending denial as review criteria a, b, and c have not been met.

Applicant Brian Schuchard spoke on behalf of the application.

The Board discussed the background of the existing fence, and concerns by an area property owner who shares the fence line.

Richard Melvin spoke on behalf of his brother Don Melvin, in opposition of the variance request. Don Melvin is the property owner on the adjacent side of the proposed fence line extension.

Board discussion continued regarding the process for locating and confirming property line boundaries by a professional land surveyor, and who is responsible for the maintenance along the fence lines.

Plan Reviewer Chris Rose, Inspections Department, noted that if a survey was done, the Inspections Department could verify the location of pins at the time of survey and could verify that the pins are in the right spot at the time the fence was built, if that's what the customer needed.

City Attorney Erik Johnson stated the property owners, not the City, are responsible for maintaining their own property.

Member Boreen moved the findings of staff be accepted and the variance to allow an 8-foot-tall fence within the interior-side setback and rear yard fence setback in the SR-3, Single-Dwelling Residential zoning district be denied, on the basis that the review criteria of Section 20-0914.E.1 (a, b, and c) have not been met. Second by Member Mitchell. Upon call of the roll Members Love, Boreen, Ford-Dunker, and Mitchell voted aye. Absent and not voting: Members Lundberg and Wendel-Daub. The motion was declared carried.

Item 4: Other Business

No other business was discussed.

Item 5: Adjournment:

Member Mitchell moved to adjourn the meeting at 9:36 a.m. Second by Member Ford-Dunker. All Members present voted aye and the motion was declared carried.