

BOARD OF ADJUSTMENT MINUTES

Regular Meeting:

Tuesday:

November 22, 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, November 22, 2016.

The Members present or absent were as follows:

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

Absent: Mark Lundberg

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: Regular Meeting of October 25, 2016

Member Mitchell moved the minutes of the October 25, 2016 Board of Adjustment meeting be approved. Second by Member Love. All Members present voted aye and the motion was declared carried.

Item 3: New Business

a) Variance Request – 1201 5th Street North: Request for a variance of Section 20-0501 of the Land Development Code (LDC). The requested variance is to allow construction of an accessory building that would encroach into the required street-side setback area within the SR-2, Single-Dwelling Residential zoning district: APPROVED

Member Ford-Dunker declared a conflict of interest on this item and was excused from voting.

Chair Wendel-Daub proceeded to explain, with 4 voting Members of the 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 James Keal stated he would like to continue.

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

Applicant James Keal spoke on behalf of the proposal. He presented a PowerPoint along with a document he submitted to the Board. Mr. Keal stated the existing driveway exits directly onto 12th Avenue North and crosses a pedestrian sidewalk, creating a concern for safety issues.

The Board further discussed the proposal and the safety issues brought forth by the applicant.

Member Love moved to approve the requested variance to allow a detached garage to encroach into the required street-side setback within the SR-2, Single-Dwelling Residential zoning district, on the basis that the review criteria have been met. Second by Member Boreen. Upon call of the roll Members Love, Boreen, Mitchell, and Wendel-Daub voted aye. Member Ford-Dunker abstained from voting. Absent and not voting: Member Lundberg. The motion was declared carried.

Item 4: Other Business

a) Update on the draft recommendations of the Land Development Code (LDC) Residential Task Force

Planner Aaron Nelson explained the background of this task force, established in March of 2015 by the City Commission, to address an increase in the number of residential variance application appeals being heard by the City Commission. He stated the purpose of the task force was to review existing residential zoning requirements and to provide a set of recommended modifications to be made to the existing Land Development Code. Mr. Nelson noted the task force included two Members from each of the following Boards: City Commission, Planning Commission, Historic Preservation Commission, and the Board of Adjustment. He referred to the White Paper included in the packet, a draft report of the findings and recommendations of the LDC Residential Task Force. Mr. Nelson explained this informational draft is being presented today for the Board's review and feedback/discussion. Any feedback will be brought back to the final meeting of the task force, prior to being presented to the City Commission for additional policy direction (approval).

Board discussion ensued and clarified the following: the proposed recommendations will apply City-wide; the White Paper draft is being reviewed by all City Departments involved; and the proposed changes will provide updated guidelines for the City to be able to quickly and efficiently approve residential construction projects that are in line with the adopted policies and goals of the City of Fargo. The Board also felt they needed more time to review the draft, and will provide any feedback at the next meeting.

b) Consideration of December 2016 Meeting Date

Mr. Nelson noted the next Board of Adjustment meeting is on Thursday, December 22 instead of Tuesday, December 27 to accommodate for the upcoming holidays. After a brief discussion on other dates available, all Members agreed to keep the meeting date as scheduled for Thursday, December 22, beginning at 9:00 a.m.

c) Consideration of 2017 Meeting Dates

Mr Nelson presented the calendar for the 2017 Board of Adjustment meeting dates for the Board's review, again noting optional dates listed to address the holiday schedules for the month of December. The Board agreed to have staff decide the December meeting date. Mr. Nelson stated the final 2017 Board of Adjustment Meeting Calendar will be provided at the next Board meeting.

Item 5: Adjournment:

Member Ford-Dunker moved to adjourn the meeting at 10:14 a.m. Second by Member Love. All Members present voted aye and the motion was declared carried.