

BOARD OF ADJUSTMENT
Tuesday, September 23, 2025 | 9:00AM
City Commission Chambers
AGENDA

1. Approve Minutes – May 27, 2025
2. New Business
 - a. Variance Request – 1122 7th Avenue South
 - i. The two requests at 1122 7th Avenue South, if granted, would allow a new, detached accessory structure (garage) to exceed development standards for Accessory Uses as outlined in Section 20-0403 for the SR-3, Single-Dwelling Residential zoning district, specifically:
 - 1) 15-foot height restriction for accessory structures, and
 - 2) Accessory structure building coverage not to exceed that of the principal building.
3. Annual Meeting / Election of Officers
4. Adjourn – Next Meeting: October 28, 2025

Board of Adjustment meetings are broadcast live on cable channel TV Fargo 56 and can be seen live by video stream on www.FargoND.gov/streaming. They are rebroadcast each Tuesday at 9:00 a.m. for one month following the meeting.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474 or TDD at 701.241.8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

BOARD OF ADJUSTMENT MINUTES

Regular Meeting:

Tuesday, May 27, 2025

The Regular Meeting of the Board of Adjustment of the City of Fargo, North Dakota, was held in the Sky Commons Conference Center at 9:00 a.m., Tuesday, May 27, 2025.

The Members present or absent were as follows:

Present: Michael Love, Deb Wendel-Daub, Michael Orth, John Gunkelman
(alternate)

Absent: Matthew Boreen, Marcia Pulczinski

Chair Love called the meeting to order.

Item 1: Approval of Minutes: Regular Meeting of January 18, 2025

Member Wendel-Daub moved the minutes of the January 18, 2025 Board of Adjustment meeting be approved. Second by Member Orth. All Members present voted aye and the motion was declared carried.

Item 2: New Business

a. Variance Request – 3501 Main Avenue

Request for a variance of Article 21-06 of the Municipal Code. The Requested variance is to allow construction at a lower elevation than would otherwise be required by the City's Floodproofing Code.

Storm Water Utility Engineer Jody Bertrand, spoke on behalf of the Engineering Department, and reviewed the Floodproofing Code Standards.

Member Orth moved the findings of staff be accepted and the variance be approved as requested. Second by Member Wendel-Daub. Upon call of the roll Members Gunkelman, Orth, Wendel-Daub, and Love voted aye and the motion was declared carried.

Item 3: Other Business

No other business was presented.

Item 4: Adjournment: Next Meeting – June 24, 2025

Member Wendel-Daub moved to adjourn the meeting at 9:05 a.m. Second by Member Orth. All Members present voted aye and the motion was declared carried.

CITY OF FARGO - Board of Adjustment Variance Staff Report

Item No: 2.a	Date: September 16, 2025
Address: 1122 7 th Avenue South	
Legal Description: West 20 ½ feet of Lot 25 and all of Lot 26, Block C, Chas A. Roberts Addition	
Owner(s)/Applicants: Roy Fick	
Reason For Request: allow a new, detached accessory structure (garage) to exceed two development standards specifically maximum height and maximum area for Accessory Uses.	
Zoning District: SR-3, Single-Dwelling Residential	
Status: Board of Adjustment Public Hearing: September 23, 2025	

Accessory Structure Standards for SR		Proposed Accessory Structure Standards	
Maximum Height:	15'	Maximum Height:	18'- 9"
Principal Building Area:	704 sq. ft.	Principal Building Area:	1080 sq. ft.

Background:

The applicant is requesting variances to allow a new, detached accessory structure (garage) to exceed two development standards specifically maximum height and maximum area for Accessory Uses. The property is located at 1122 7th Avenue South with SR-3, Single-Dwelling Residential zoning. Section 20-0403 of the Land Development Code outlines development standards for Accessory Uses in the SR, Single Dwelling Residential districts including maximum height of 15 feet for accessory, detached structures and maximum area not to exceed that of the primary structure footprint. The proposal would be to demolish an existing two-stall garage and construct a new, 3-stall (30'x36' = 1080 sq. ft.) detached garage with a bonus room (storage) on the second floor.

Criteria for Approval & Staff Analysis:

§20-0914.E.1 of the LDC states that, “A variance may be granted by the Board of Adjustment upon an affirmative finding that all of the following conditions exist.”

- a. The requested variance arises from conditions that are unique to the subject property not ordinarily found in the same zoning district and are not a result of the owner’s intentional action;**

The subject property is legally described as a portion of Lot 25 and all of Lot 26, Block C, Chas A. Roberts Addition. The property is 5,915 square feet in area, which is larger than the minimum required lot size of 5,000 square feet for the SR-3 zoning district. The lot is generally similar to other lots in the neighborhood. The proposed garage design including size and height is a result of the owner’s intentional actions, options exist that could meet development regulations.

Staff finds the requested variance does not arise from conditions that are unique to the subject property. Alternative design options exist to both meet both area and height requirements. **(Criteria NOT satisfied)**

- b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;**

Staff has no data that would identify an adverse impact to adjacent neighbors with this variance. In accordance with the notification requirements of the LDC, neighboring property owners were provided notice of the variance request. To date staff has received on inquiry with no comment. **(Criteria satisfied)**

- c. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards;**

The variance is being requested in order for the applicant to construct a new detached garage, which is a typical accessory use permitted by-right in the SR-3 zoning district. Staff contends that no hardship exists as options exist for new garage designs that meet required dimensional standards, specifically height and area, for accessory structures. **(Criteria NOT satisfied)**

- d. The variance desired will not adversely affect the public health, safety or general welfare;**

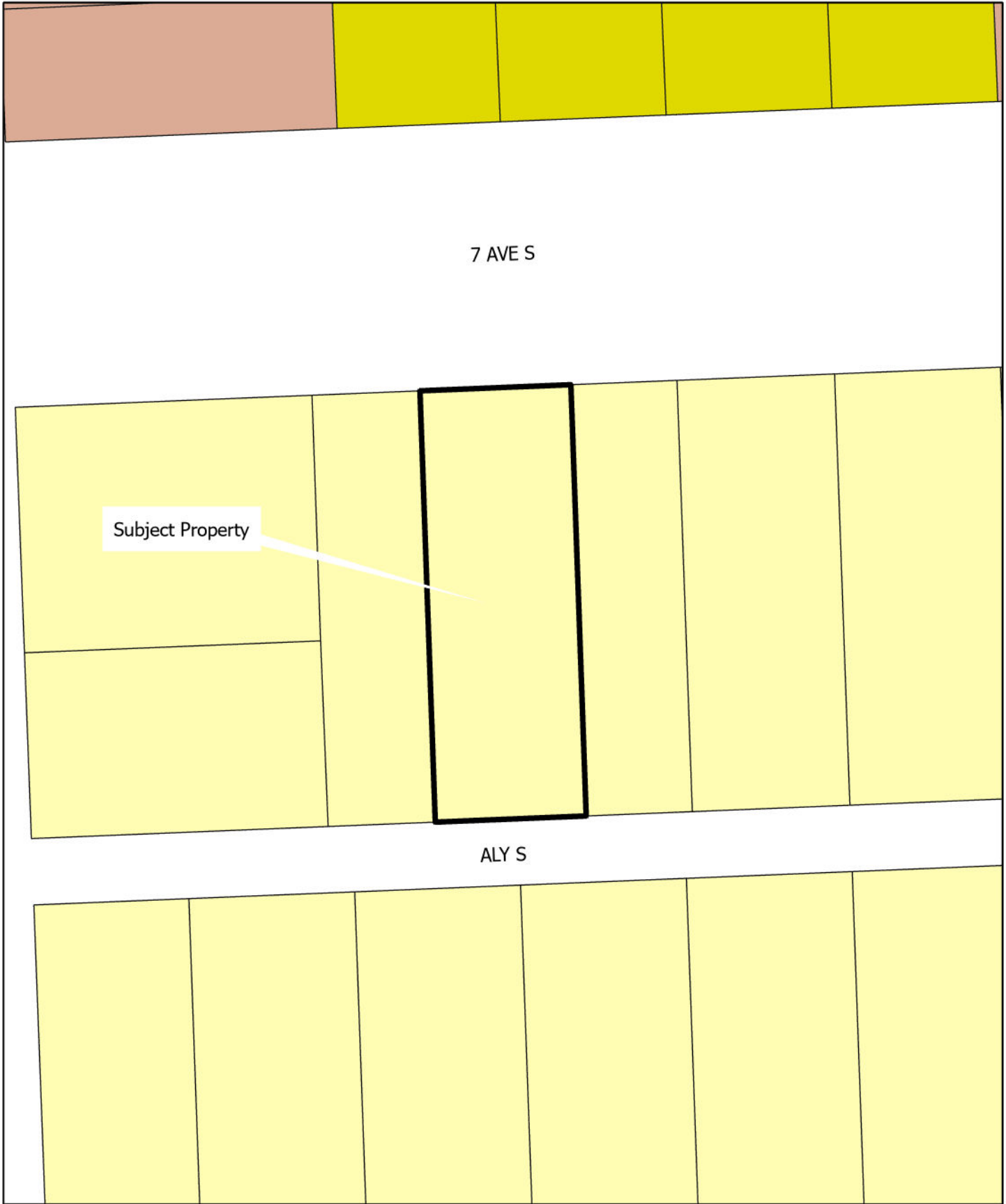
Staff has no data that would identify an adverse effect on public health, safety, or general welfare. No public health, safety, or general welfare issues have been identified. **(Criteria satisfied)**

- e. The variance is the minimum variance that will overcome the hardship;**

As mentioned above, staff suggests that there is no hardship to overcome due to the fact that the property can be (and is currently) used for an allowed use without coming into conflict with applicable site development standards. However, if a hardship was found to exist, the applicant has offered options for a requested minimum variance needed for the applicant to construct the garage addition. **(Criteria satisfied)**

Staff Recommendation: “To accept the findings of staff and deny the requested variance to allow a new, detached accessory structure (garage) to exceed two development standards specifically maximum height and maximum area for accessory uses on the basis that the review criteria of Section 20-0914.E.1 (a & c) have not been met.”





7 AVE S

Subject Property

ALY S

Legend

AG	LC	MR-3	SR-3
DMU	LI	NC	SR-4
GC	MHP	NO	SR-5
GI	MR-1	P/I	UMU
GO	SR-2	City Limit	



0 0 0.01 0.02 Miles



1122 7th Avenue South



Planning & Development
225 4th Street North
Fargo, ND 58102
Office: 701.241.1474 | Fax: 701.241.1526
Email: Planning@FargoND.gov
www.FargoND.gov

VARIANCES (§20-0914)

The Board of Adjustment is authorized to grant variances from the zoning district dimensional standards and off-street parking and loading standards of the Land Development Code (LDC) that will not be contrary to the public interest or the spirit of the LDC, where owing to special conditions, a literal enforcement of the provisions of this LDC would result in unnecessary physical (not economic) hardship to the property owner.

Variance Application Process

- 1) The application and a nonrefundable fee of \$185 are due at the time of submittal
- 2) Notice of the Public Hearing is mailed to property owners within 300 feet of the proposed site at least 15 days prior to the Hearing and published once a week for two consecutive weeks in the newspaper.
- 3) The City Planner reviews your case, develops a staff report and prepares a recommendation to the Board of Adjustment based on the Criteria for Approval, below.
- 4) Board of Adjustment meetings are scheduled as needed.

Criteria for Approval

A variance may be granted by the Board of Adjustment upon an affirmative finding that all of the following conditions exist.

- a. The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;
- b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- c. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards;
- d. The variance desired will not adversely affect the public health, safety or general welfare; and;
- e. The variance is the minimum variance that will overcome the hardship.

Acknowledgement – I hereby acknowledge that I have familiarized myself with the rules and regulations to the preparation of this submittal and that the foregoing information is true and complete to the best of my knowledge. I, the undersigned, do hereby petition the Board of Adjustment of the City of Fargo, North Dakota, to take such action as may be required by law of the City of Fargo to grant a variance pursuant to Section 21-0603 of the Fargo Municipal Code.

Owner (Signature): _____	Date: 8-25-2025
Applicant (Signature): _____	Date: 8-25-2025
Note: A nonrefundable filing fee of \$185.00 must be accompanied with the application at time of submittal.	

FOR OFFICE USE ONLY

Payment Information	
Date Filed: _____	Amount Paid: _____ Received by: _____
Payment Type: Check# _____	Visa / MC / Disc / Amex – Last 4# _____
(Please circle card type)	

APPLICATION FOR VARIANCE

The Board of Adjustment is authorized to grant variances from the zoning district dimensional standards and off-street parking and loading standards of the Land Development Code (LDC) that will not be contrary to the public interest or the spirit of the LDC, where owing to special conditions, a literal enforcement of the provisions of this LDC would result in unnecessary physical (not economic) hardship to the property owner.

PLEASE PRINT

Property Owner Information	Applicant Information (primary contact)
Name: Roy Fick	Name: _____
Company: _____	Company: _____
Address: 1122-7th Ave. S.	Address: _____
Primary Phone: _____	Primary Phone: _____
Alternative Phone: _____	Alternative Phone: _____
Email: _____	Email: _____
<input type="checkbox"/> Applicant Information same as Property Owner	

Location of Property Requesting a Variance
Address: 1122-7th Ave. S.
Zoning District: SR-3
Legal Description: (attach separate sheet if more space is needed) LOT; 26 BLOCK:C Charles A. Roberts LOT 26 & 20.5' LOT 25 BLK C

Proposed Variance Information:

What Land Development Code Standard are you seeking a variance? (e.g., setback, lot coverage, height)

Lot coverage and height

Please describe difference between the standard and the proposed (e.g., the standard is 10 ft. and my project would propose a 7" setback).

Standard lot coverage 704 sq.ft. - propose 1080 sq.ft. / height 15 feet propose 18 feet

Please explain your project describing why you are requesting a variance, and why you believe a variance is justified. Along with your project description, please include a site plan/diagram with dimensions. (attach separate sheet if more space is needed)

☐ To rebuild Garage to be more useful and match it to the style of our home. A larger footprint would allow us to park more vehicles inside while being able to work on them while keeping doors closed or other various projects also would be able to load and unload vehicles while keeping overhead doors closed during inclement weather and late nights. The overall height would allow a large storage area above to maximize floor space and also allow more room inside her home.



Criteria for Approval:

Please explain how your requested variance meets the following five criteria for approval, pursuant to Section 20-0914 of the Land Development Code: (attach separate sheet if more space is needed)

1. The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district, and that are not a result of the owner's intentional action;
The current garage is below grade and floods in the spring and during heavy rainfall. The Roofing system is failing and has no option for storage does not have a bottom cord on roof truss but uses cables instead to hold the walls. ☐

2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

No, it does not affect the adjacent properties. ☐

3. The strict application of the applicable standards will constitute an unnecessary physical hardship, (not economic hardship), because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards;

Rebuilding will allow the current grade of the Garage to be raised for proper drainage and allow a new concrete driveway. The height will allow ample amount of storage above to help free up storage in the home and off the floor of the garage ☐

4. The variance desired will not adversely affect the public health, safety, or general welfare; and

Brings the garage condition to better represent the character of the home by using similar siding, windows, and roof pitch. ☐

5. The variance is the minimum variance that will overcome the hardship.

The overall size will best suit our growing family, due to new drivers in the home as we grow into a four car household. ☐



7/31/2025

DATE:

SCALE:

DRAWINGS PROVIDED BY:

PROJECT DESCRIPTION:

CUSTOMER NAME

SHEET TITLE:

DISCLAIMER:

Plans furnished by Naseth Construction Inc. are for bid purposes only. These drawings were not prepared by professional Architects or Engineers. It is the contractors and sub-contractors responsibility to verify all dimensions and existing conditions.

ATTENTION:

These drawings are exclusive property of Naseth Construction Inc. and are not to be Photographed, Scanned or Copied without written permission from Naseth Construction Inc.

NO.	DESCRIPTION	BY	DATE



Elevation 3



Elevation 4

2626DH

FAMILY
10'-9" X 23'-0"

FAMILY
24'-1" X 29'-0"

2626DH



Elevation 2



Elevation 1

LIVING AREA

NO.	DESCRIPTION	BY	DATE

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SHEET TITLE:

PROJECT DESCRIPTION:

CUSTOMER NAME

DRAWINGS PROVIDED BY:

SCALE:

DATE:

7/31/2025

P-3



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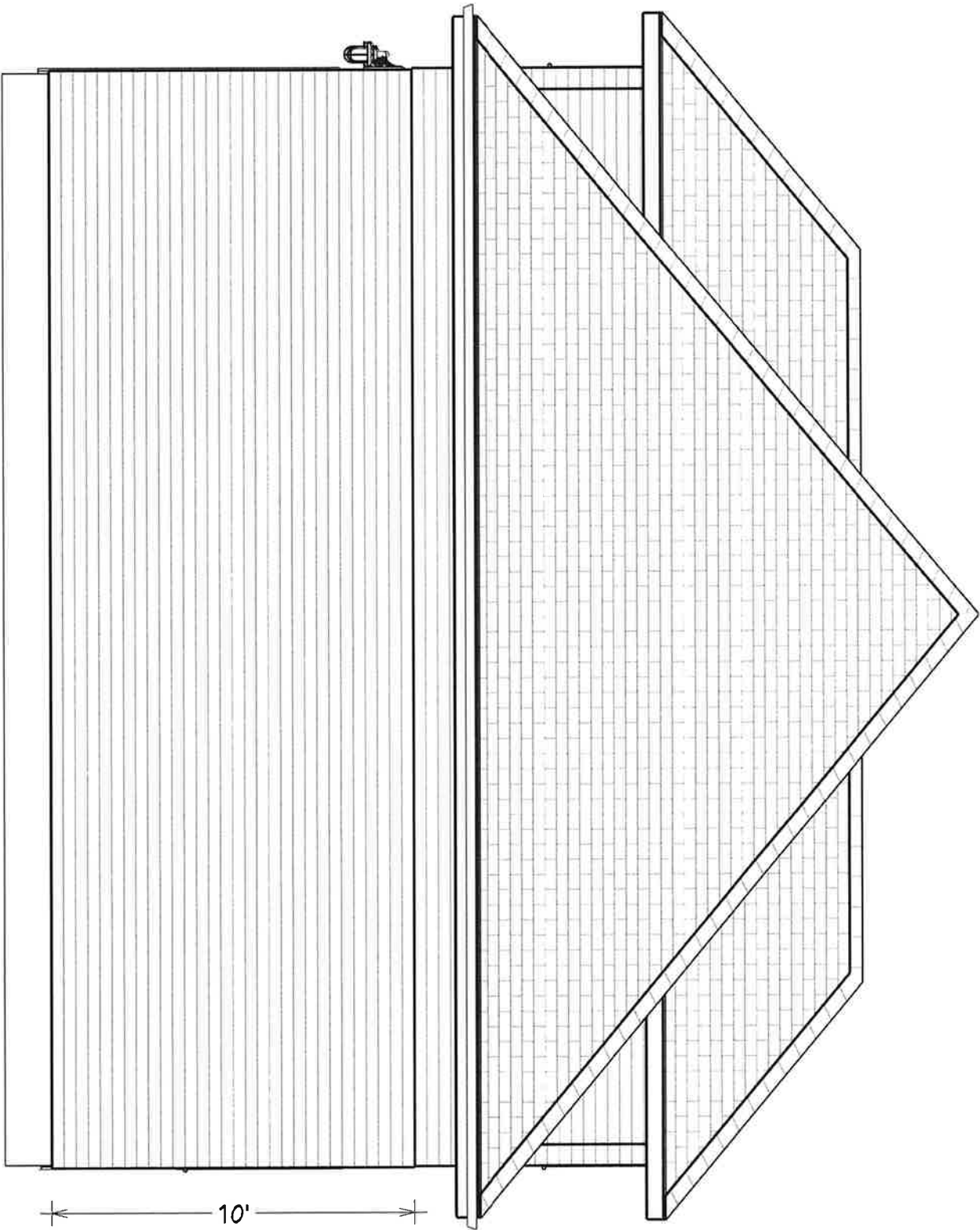
PROJECT DESCRIPTION:

CUSTOMER NAME

SCALE:

7/31/2025

P-2



Elevation 1

ROOF PITCH 10/12

10' SIDE WALL HEIGHT

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NO.	DESCRIPTION	BY	DATE

SHEET TITLE:

PROJECT DESCRIPTION:

CUSTOMER NAME

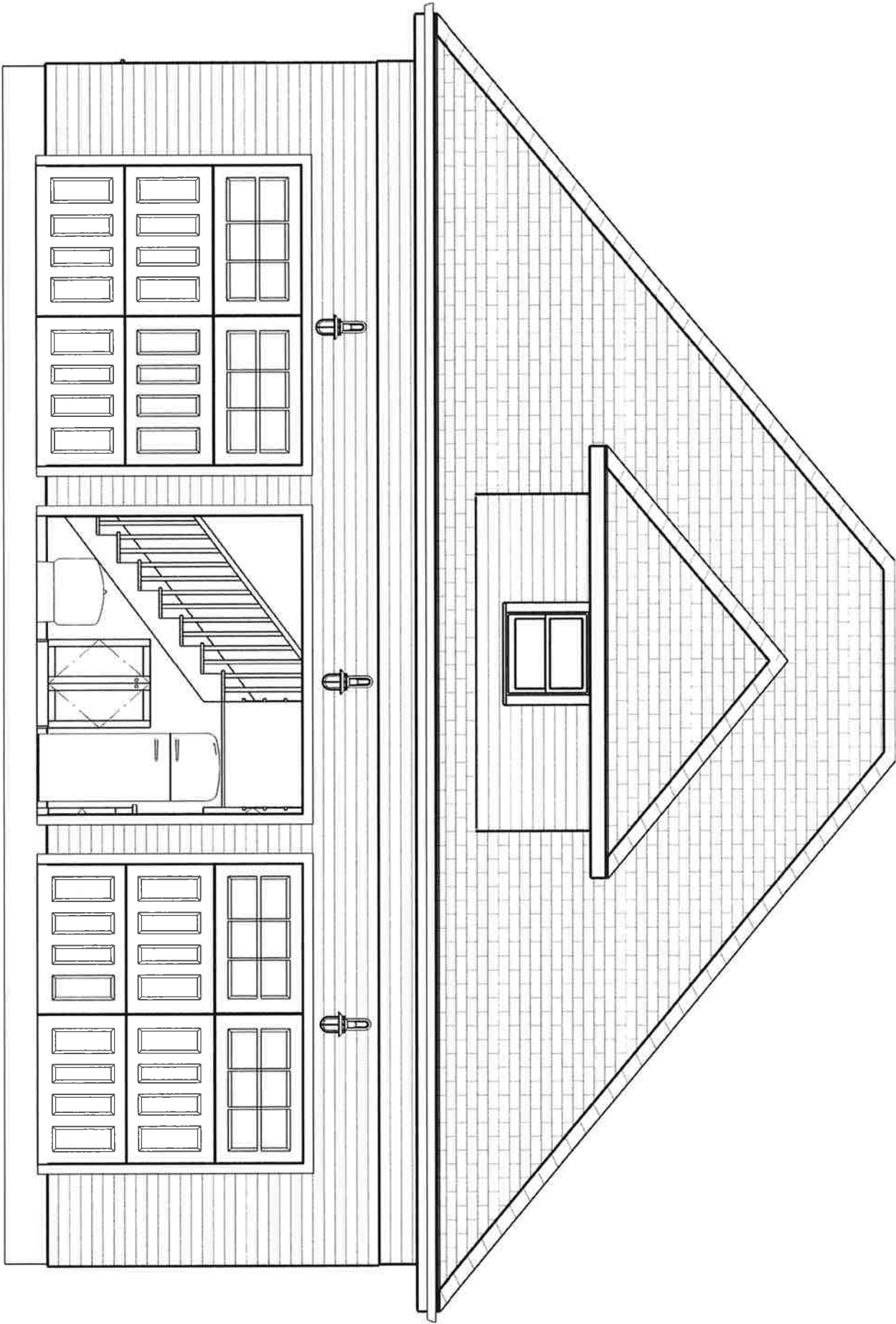
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DATE:

7/31/2025

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Elevation 2

NO.	DESCRIPTION	BY	DATE

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SHEET TITLE:

PROJECT DESCRIPTION:

CUSTOMER NAME

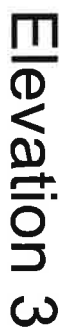
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DATE:

7/31/2025

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7/31/2025

DATE:

SCALE:

DRAWINGS PROVIDED BY:

PROJECT DESCRIPTION:

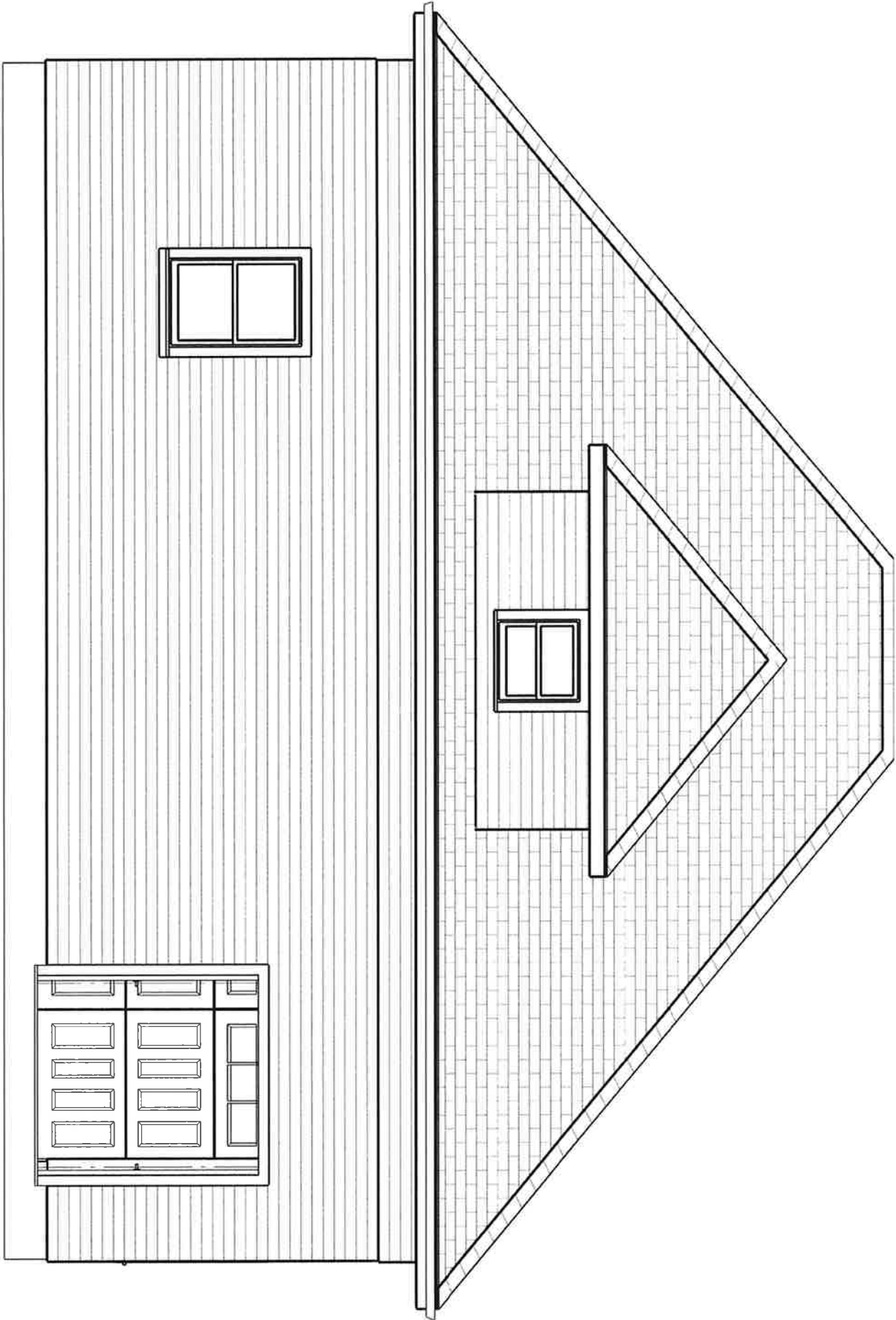
CUSTOMER NAME

SHEET TITLE:

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NO.	DESCRIPTION	BY	DATE



Elevation 4

NO.	DESCRIPTION	BY	DATE

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SHEET TITLE:

PROJECT DESCRIPTION:

CUSTOMER NAME

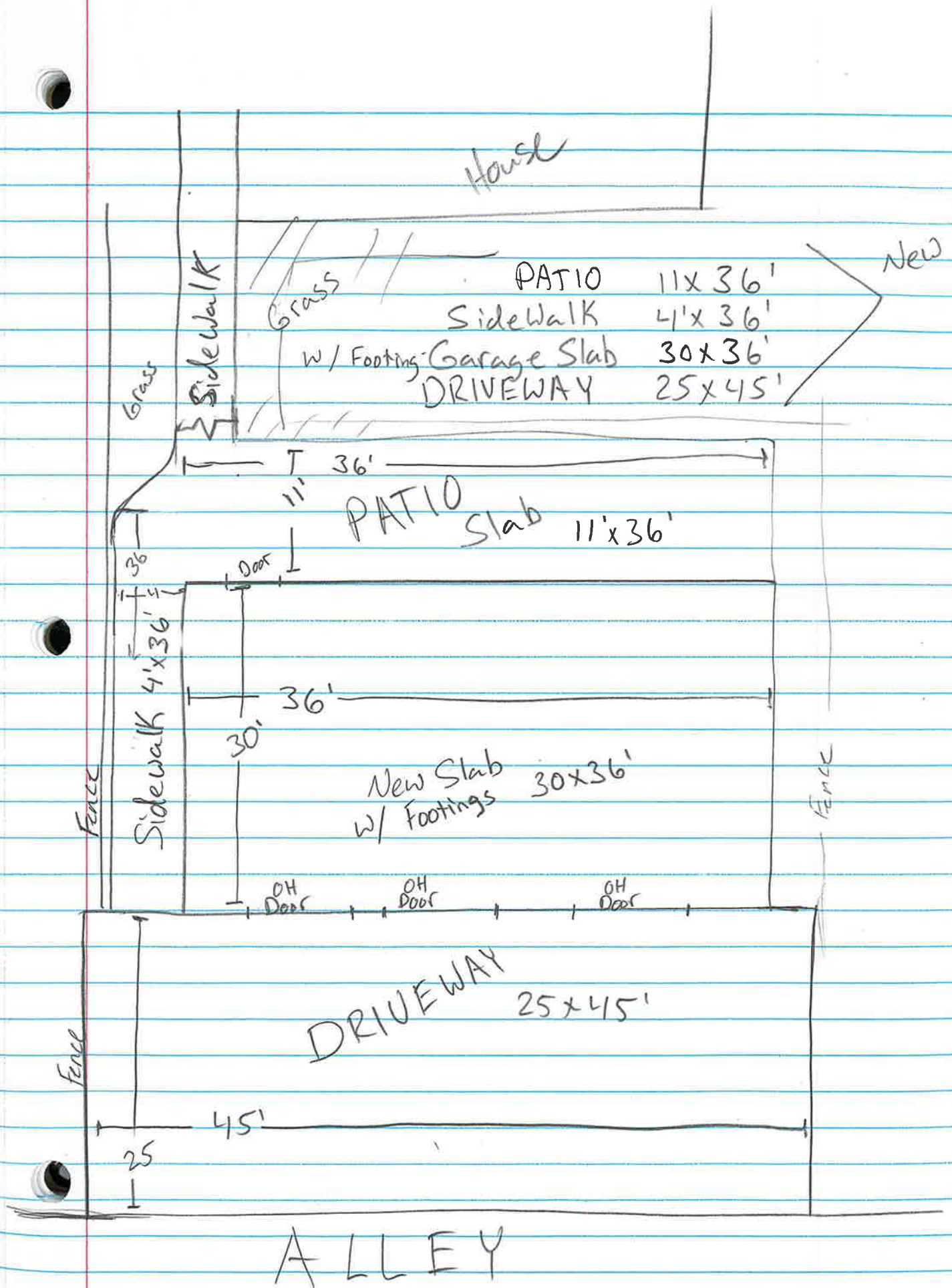
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SCALE:

DATE:

7/31/2025


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MEMORANDUM

TO: Fargo Board of Adjustment

FROM: Kim Citrowske, Planning Coordinator 

DATE: September 17, 2025

SUBJECT: Annual Meeting / Election of Officers

The Board of Adjustment By-laws state that an Annual Meeting should be conducted each July to elect a Chair and Vice Chair for the upcoming year. Thank you to Michael Love for serving as Chair and Deb Wendel-Daub serving as Vice Chair.

The By-laws outline the roles and tasks for each Officer:

- *The Chairperson shall generally preside and conduct all Board meetings, with the advice and consent of other members, may appoint committees from Board members to perform specific duties.*
- *The Vice Chairperson - In the event of the absence, disability, resignation or conflict of interest of the Chairperson, the Vice-Chairperson shall exercise all the powers and duties of said Chairperson, performing this function, the Vice Chairperson shall automatically become Board Chairperson and the position of Vice Chairperson shall be deemed vacant and the Board may elect from its own members a successor Vice Chairperson to fill this vacancy at its next meeting.*