Bismarck

Community Development Department

BISMARCK BOARD OF ADJUSTMENT MEETING AGENDA

February 4, 2021

Tom Baker Meeting Room	5:00 p.m.	City-County Office Building

Watch live meeting coverage on Government Access Channels 2 & 602HD, listen to Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org. Agenda items can be found online at www.bismarcknd.gov/agendacenter.

Due to ongoing public health concerns related to COVID-19, the City of Bismarck is encouraging citizens to provide their comments for public hearing items on this agenda via email to planning@bismarcknd.gov. The comments will be sent to the Board of Adjustment members prior to the meeting and included in the minutes of the meeting. To ensure your comments are received and distributed prior to the meeting, please submit them by 12 noon on the day of the meeting and reference the agenda item your comment addresses.

If you would like to appear via video or audio link for a 3-5-minute comment on a public hearing item, please provide your e-mail address and contact information to planning@bismarcknd.gov at least one business day before the meeting.

The physical meeting room will be open to the public, but we certainly understand the public wishing to limit their exposure at this time, while still participating in government.

Before entering the City-County Office Building, all individuals should self-screen for COVID-19 symptoms or potential exposure and, if unable to pass the screening protocol, will be expected to participate remotely in the meeting for the public's safety.

It is anticipated that some of the Board of Adjustment members will be attending this meeting in person and others will participating remotely.

Item No. Page No.

MINUTES

1. Consider the minutes of the December 3, 2020 meeting of the Board of Adjustment.

PUBLIC HEARING

2. **Section 14-04-01(5) of the City Code of Ordinances (RR – Residential / Side Yard)**
   Lot 2, Block 1, Harvest Grove Second Subdivision (8600 Northwood Drive) | VAR2021-001

   Owner / Applicant: Dustin and LaDawn Schmitt

   Board Action: □approve □continue □table □deny.....1

3. **Section 14-04-19(6)(b)(5)(a) of the City Code of Ordinances (FP – Floodplain District)**
   Lot 4, Block 7, Fox Island Subdivision (3221 Deer Lodge Drive) | VAR2021-002

   Owner / Applicant: Steve and Mary Selzler

   Board Action: □approve □continue □table □deny.....10

OTHER BUSINESS

4. **Other.** Planning update.

ADJOURNMENT

5. **Adjournment.** The next regular meeting date is scheduled for March 4, 2021.

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

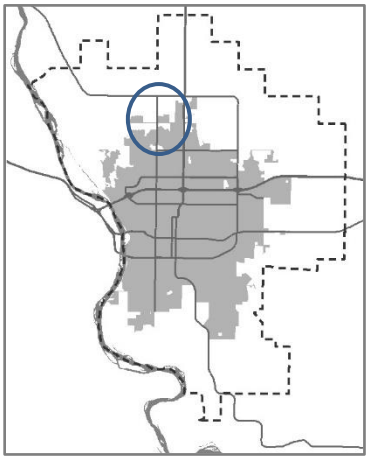
Agenda Item #2
February 4, 2021

Application for: Variance

TRAKiT Project ID: VAR2020-001

Project Summary

Title:	Lot 2, Block 1, Harvest Grove Second Subdivision (8600 Northwood Drive)
Status:	Board of Adjustment
Owner(s):	Dustin and LaDawn Schmitt
Project Contact:	LaDawn Schmitt
Location:	North of Bismarck, north of 84th Avenue NE between North Washington Street and US Highway 83, along with west side of Northwood Drive
Request:	Variance from Section 14-04-01(5) of the City Code of Ordinances (RR – Residential / Side Yard)



Staff Analysis

Dustin and LaDawn Schmitt are requesting a variance to reduce the required side yard setback located along the south side of their property from 15 feet to 11.5 feet in order to construct a detached accessory building on an existing concrete slab.

Background Information

A building permit was issued in 2013 for 24'x30' accessory building. According to the permit inspection notes, the first inspection (the foundation and placement of the slab) was approved. A copy of the permit and inspection notes are attached.

The applicant did not construct the proposed accessory building in 2013 and the permit is no longer valid due to lack of activity. The applicant is proposing to construct a 24'x36' accessory building on the existing slab and which is located 11.5 feet from the side property line, not 15 feet as required.

Applicable Provision(s) of Zoning Ordinance

Section 14-02-03 of the City Code of Ordinances (Definitions) defines a variance as, "A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or desire to increase the financial return."

Section 14-04-01(5) of the City Code of Ordinances (RR – Residential / Side Yard) states, "Each lot shall have two (2) side yards, one on each side of the principal and accessory buildings. Each side yard shall be no less than fifteen (15) feet in width. No building on a corner lot shall have a side yard on the side street less than forty (40) feet in width." According to the site plan, the proposed accessory building would be 11.5 from the side property line located along the south side of the property.

Required Findings of Fact

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within RR – Residential zoning district.

2. The hardship is not caused by the provisions of the Zoning Ordinance.

(continued)

3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.

4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.

5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Staff Recommendation

Staff recommends reviewing the above findings, identifying a hardship and modifying the findings as necessary to support the decision of the Board.

Attachments

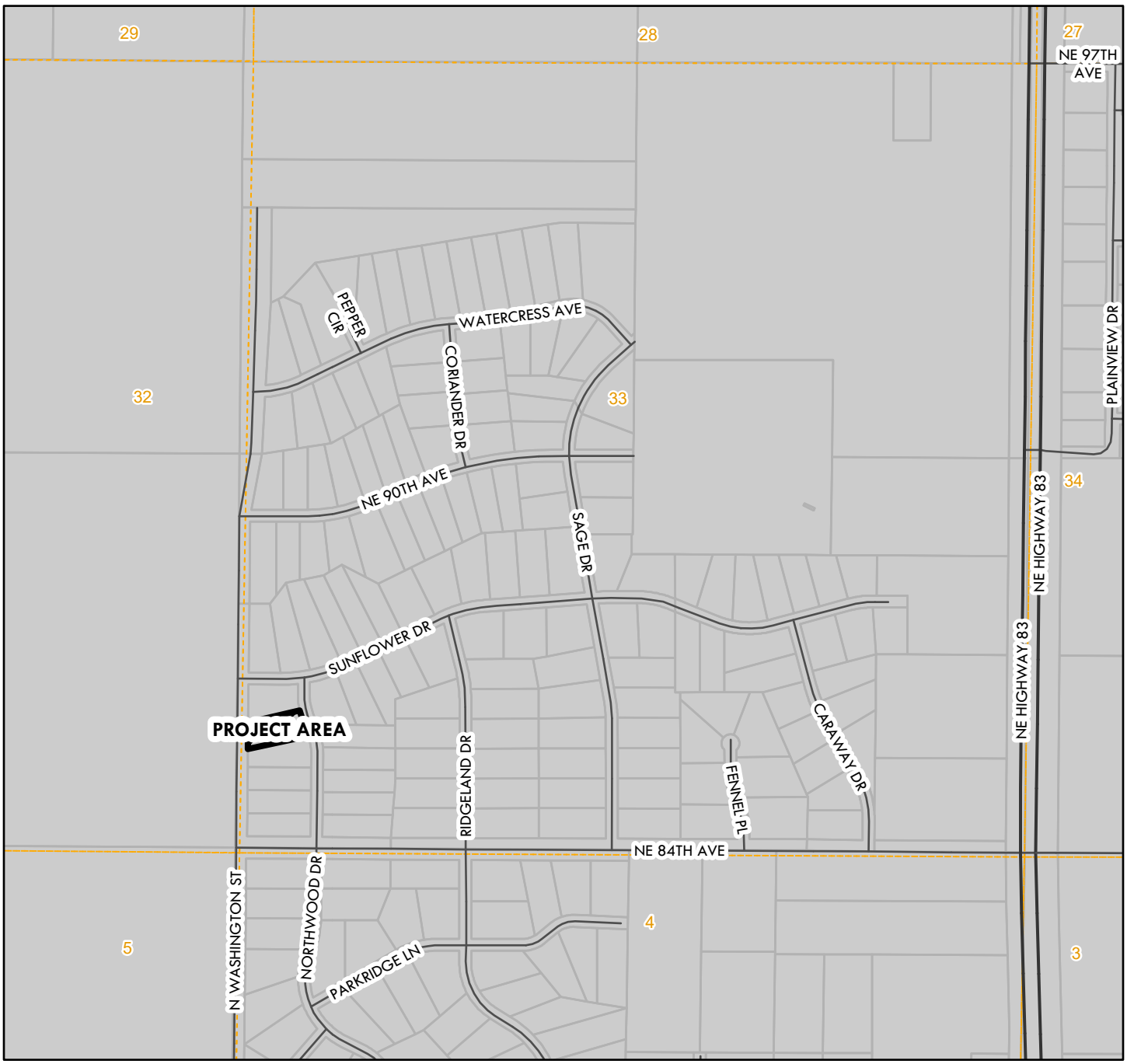
1. Location Map
2. Aerial Map
3. Site plan
4. 2013 Building Permit and Inspection Notes
5. Written Statement of Hardship

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Location Map

HARVEST GROVE SECOND SUBDIVISION, L2, B1

VAR2021-001



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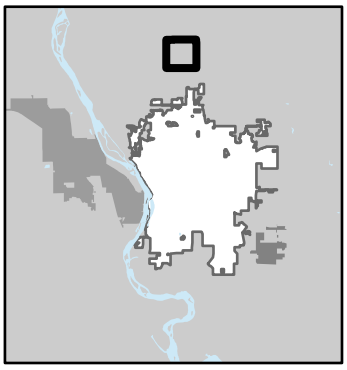

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
January 13, 2021 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Aerial Map

HARVEST GROVE SECOND SUBDIVISION, L2, B1

VAR2021-001

0 0.02 0.04 0.08 Miles

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Department
Planning Division
January 25, 2021

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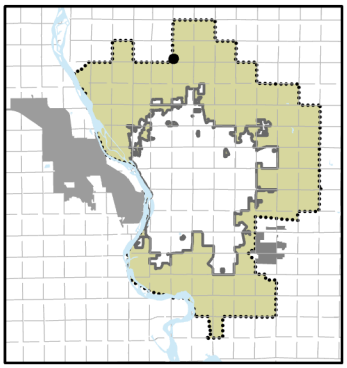


Site Plan Exhibit

Drawn by: JW | Confirmed by: LaDawn Schmitt

01/20/2021

Site Plan Exhibit

Drawn by: JW | Confirmed by: LaDawn Schmitt

01/20/2021

BIP010-01 4/11/2013 BUILDING PERMIT Permit Num 2013-00434

Property Address 8600 NORTHWOOD DR Location EXTRA TERRITORIAL Phone 355-1465

Special Flood Hazard NO Elevation
Deeded Owner SCHMITT, DUSTIN & LADAWN

Contractor SELF/OWNER LADAWN SCHMITT Contractor Num 0
Nondeeded Owner SCHMITT, DUSTIN & LADAWN
Contact Person LADAWN SCHMITT Phone Num 426-8156

Desc Of Work 24'X30' DETACHED ACCESSORY BUILDING ON THICKENED EDGE SLAB

Property Number 24-140-80-46-01-020 Township 24 Section 140 Range 80
Addition Name HARVEST GROVE SECOND
Legal Desc 1. LOT 2 2.
3. 4. 671882

Type Of Work 1 - NEW Census Code 0606 Zoning Dist RR - RURAL RESIDENTIAL
Occupancy Group R - RESIDENTIAL Division 3 Easement
Num Living Units 0 Stories 0 Required Front Yard 40
Type Const VB Required Side Yard 15.0 15.0
Ownership Code 1 - PRIVATE Required Rear Yard 50

	Previous Permit(s)	Current Permit	Total		
Area Main Bldg	1,870	0	1,870	Lot Front Width	181.36
Garage Size	732	0	732	Lot Rear Width	177.51
Total Finished	1,127	0	1,127	Avg Lot Width	179.44
Total Basement Finished	1,127	0	1,127	Max Bldg Width	143.55
Area Acc Bldgs	0	720	720	Bldg Width	.00
Num Off Street Parking	0	0	0	Lot Square Ft	0.00
Area Off Street Parking	0	0	0	Percent Occupied	.00
Total	1,870	720	2,590		

Cost Less Land 11,520.00
Service Line Size Water Mtr .75= 0 1=0 1.5=0 2=0 3=0 Water Agreement: NO Concrete Work: NO

Charges:

Permit Fee	151.75	Water Meter	.00
Road Approach	.00	Mobile Home	.00

PBLD INSP TOTAL 151.75 ***
Payment Method Cash

* * * * * N O T I C E * * * * *

Separate permits are required for electrical, plumbing and mechanical (HVAC). Work under this permit must commence within 180 days of permit issuance and once commenced, work may not be suspended for more than 60 days. Permittee must comply with all codes and ordinances applicable to work. Issuance of this permit does not grant any authority to erect, modify or use any structure in violation of any code or ordinance. All required inspections, including a final inspection, must be requested by the Permittee. In consideration for connection to City utilities, Permittee agrees to pay all applicable utility fees and charges pursuant to City Ordinance. This Permit creates no warranties with regard to construction or code compliance. The inspections under this permit are for the benefit of the public and not the Permittee and the inspections do not create a duty to the Permittee, the owner or, to a subsequent purchaser with regard to quality of construction or code compliance. Federal law may require this construction project to conform with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities.

I hereby certify that I have read and examined this application and know the same to be true and correct.

RAY ZIEGLER
Building Official

TESSA KNUDSON
Issued By

Permit Applicant

BIP050 Permit Inspection Inquiry SCREEN01

Location	Num Add	Quad	Street Name	Desc	Additional Desc	Type
2	8600		NORTHWOOD	DR		

Permit Type	Permit Num	Company Name	Open
BUILDING PERMITS	2013 00434	SELF/OWNER LADAWN SCHMITT	YES

Desc of Work 24'X30' DETACHED ACCESSORY BUILDING ON THICKENED EDGE SLAB

Line #	Insp Date	Insp Type	Activity Desc	Inspector
1	5 / 02 / 2013	1ST	THICKENED EDGE SLAB	MD

F5=Permit Detail F9=Redisplay Addresses Page Down=More Activity
F11=Bypass Display F12=Redisplay Permits F16=RVI Page Up=Previous Activity

City of Bismarck
Community Development Department
Planning Division
Phone: 701-355-1840 • FAX: 701-222-6450 • TDD: 711
PO Box 5503 • Bismarck, ND 58506-5503
planning@bismarcknd.gov

Last Revised: 01/2017

WRITTEN STATEMENT OF HARDSHIP
(VARIANCE REQUEST)

NOTE: WRITTEN STATEMENTS OF HARDSHIP MUST ACCOMPANY EVERY VARIANCE REQUEST APPLICATION

PROPERTY INFORMATION	
Property Address or Legal Description: (Lot, Block, Addition/Subdivision)	8600 Northwood Drive, Bismarck ND 58503
Location of Property:	■ City of Bismarck ☐ ETA
Type of Variance Requested:	
Applicable Zoning Ordinance: (Chapter/Section)	

Describe how the strict application of the requirements of the Zoning Ordinance would limit the use of the property. (Only limitations due to physical or topographic features – such as an irregularly shaped, narrow, shallow or steep lot or other exceptional physical or topographic condition – that are unique characteristics and not applicable to other properties in the neighborhood are eligible for a variance. Variances cannot be granted on the basis of economic hardship or inconvenience.)

~~If we cannot~~ build our garage on the location we have selected, we will need to tear out a portion of the concrete and retaining wall. We selected the size and location of the garage that best fit our property and our needs, however, we did not intend to be within the 15' setback. The concrete pad cost was $5,000 (summer of 2013) and was completed by Ideal Concrete. A retaining wall was required so that the fill dirt would not keep sliding out from under the pad. The retaining wall also cost $5,000 (by Myhere Concrete). Our lot has a significant slant/ditch diagonally through our lot and when it rains, water runs through our lot. The lot has limited space on where a garage can be located for access and without adding so much fill dirt. The back NW corner of our lot is hard to access because of the ditch and our septic drainfield is located back there. We put our garage on hold and decided to add onto our home instead of putting up the garage. Now, we have a bid to construct the garage, only we extended out the size to be 24'x36'. Construction will not start until we have approval on our variance.

Describe how these limitations would deprive you of reasonable use of the land or building involved, and result in unnecessary hardship.

If we have to tear out a portion of our concrete, it will extremely limit the usefulness of the garage. We would like to be able to have room to store vehicles inside an enclosed garage to keep up the value of our property and appearances in our neighborhood. This garage size is adequate for our vehicles, both owned and inheriting. If the garage has to be reduced, we will have to replan a layout and will add more cost to significantly fill dirt for access.

Describe how the variance requested is the minimum variance necessary to allow reasonable use of the property.

Our concrete pad is in the best and easiest location for access from the south side of our property as well as the least amount of fill dirt needed. Our neighbor also has a large shop on his property and stated he wouldn't restrict us from being able to build it in the current location.

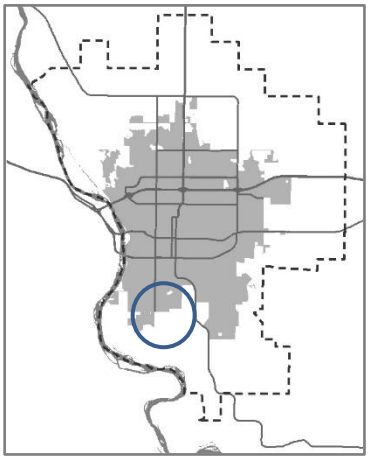
STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 3
February 4, 2021

Application for: Variance

TRAKiT Project ID: VAR2020-002



2Project Summary

Title:	Lot 4, Block 7, Fox Island Subdivision (3221 Deer Lodge Drive)
Status:	Board of Adjustment
Owner(s):	Steve and Mary Selzler
Project Contact:	Jordan Anderson, Big River Builders Inc.
Location:	South of Bismarck, west of south Washington street and south of Larson Road, along the north side of Deer Lodge Drive
Request:	Section 14-04-19(6)(b)(5)(a) of the City Code of Ordinances (FP – Floodplain District)

Staff Analysis

Steve and Mary Selzler are requesting a variance to allow the construction of an addition to an existing single-family dwelling at the same elevation of the home, but below the elevation requirement outlined in the City zoning ordinance.

If approved as proposed, the addition to the existing single-family dwelling would be constructed 1.8 feet below the elevation requirement. As the existing single-family dwelling is not located 1 foot above the BFE, the proposed addition must be constructed 2 feet above the BFE.

Background Information

The existing single-family dwelling was constructed in 1997 – 1998 and is considered a post-FIRM building as it was constructed after the initial Flood Insurance Rate Map (FIRM) was created for the City and its ETA in 1985. The Base Flood Elevation indicated on the 1998 elevation certification indicated a BFE of 1634.2 and a finished floor elevation of 1635.3, these elevations were based off NAVD 29 datum. The dwelling was constructed in compliance with the zoning ordinance 1.1 feet above the BFE. A copy of the building permit and elevation certificate are attached.

This area of the community was studied and remapped by FEMA in 2005; the 2005 FIRM established a BFE of 1636.2 for this property, these elevations were based off NAVD 88 datum. According to the elevation certificate the finished floor elevation of the home is 1636.4, which is .2 feet above BFE. A copy of the elevation certificate using the 2005 FIRM date is attached.

It should be noted that the most recent FIRM for the City of Bismarck and its ETA was revised and adopted in 2014. An updated elevation certificate from the 2014 FIRM was not submitted with the application.

The zoning ordinance outlines elevation requirements for additions to existing buildings located within the SFHA and specifies that additions that are not a substantial improvement to a post-FIRM building can be constructed at the same elevation as the existing building, as long as the existing building is at least one foot above the current BFE. A substantial improvement means any repair, reconstruction or improvement of a structure that is valued at 50% or more of the market value of the structure.

The applicant has not submitted a building permit application request, or the required information needed for staff to determine if the proposed addition is or is not a substantial improvement.

(continued)

Additional Information

The City of Bismarck and its ETA are a participating community in the National Floodplain Insurance Program (NFIP) Community Rating System (CRS). The CRS is a program that recognizes and encourages floodplain management activities that exceed the minimum NFIP requirements. As a result, flood insurance premium rates may be discounted for policy holders to reflect the reduced flood risk resulting from meeting the goals of the CRS program.

Variances from the provisions outlined in the FP – Floodplain zoning district and subsequent findings to support a variance may be subject to additional review by Hazard Program Specialists with the NFIP. Variances may impact the community's eligibility for participation in the NFIP. By participating in the NFIP, residents of the City of Bismarck and its ETA are eligible for flood insurance.

The CRS designation is awarded to communities that go above and beyond FEMA and State of North Dakota floodplain management practices. Approval of a variance from the provisions in the FP – Floodplain District in the Zoning Ordinance may result in removal of the City of Bismarck and its ETA from the program, which may cause discounted insurance premiums to rise.

Applicable Provision(s) of Zoning Ordinance

Section 14-02-03 of the City Code of Ordinances (Definitions) defines a variance as, "A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or desire to increase the financial return."

Section 14-04-19(6)(b)(5)(a) of the City Code of Ordinances (FP – Floodplain District) states, "Any addition to any existing residential structure, non-residential structure, manufactured home, garage, deck, landing or accessory building that is considered a post-FIRM building and is not deemed a substantial improvement may be constructed with the lowest floor at the same elevation as the existing structure, provided the lowest floor of the existing structure, non-residential structure, manufactured home, garage, deck, landing or accessory building that is considered a pre-FIRM building and is not deemed a substantial improvement many be constructed with the lowest floor at the same elevation as the existing structure." According to the information submitted with the application for a variance, the existing single-family dwelling is considered a post-FIRM building. The applicant has not submitted a building permit application request, or the required information needed for staff to determine if the proposed addition is or is not a substantial improvement. The finished floor elevation of the home based off the 2005 FIRM is 1636.4, which is .2 above the BFE (1636.2). If approved as proposed, the proposed addition would be constructed 1.8 feet below the elevation requirement outlined in the zoning ordinance.

Additional consideration for variances from floodplain provisions

1. In considering appeals and variance applications, and in addition to the requirements outlined in Section 14-06-02 of the City Code of Ordinances (Powers and Duties), the Board of Adjustment shall consider all technical evaluations, all relevant factors, and the standards specified in this section, including:

2. The danger to life and property due to flooding or erosion damage;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

5. The importance of the services provided by the proposed facility to the community;

6. The necessity to the facility of a waterfront location, where applicable;

7. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion;

8. The compatibility of the proposed use with the existing and anticipated development;

9. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

10. The safety of access to the property in times of flood for ordinary and emergency vehicles;

(continued)

11. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

12. The costs of providing governmental services during and after flood conditions, including maintenance and repair of utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Required Findings of Fact | Any Variance

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within RR – Residential District zoning classifications.

2. The hardship is not caused by the provisions of the Zoning Ordinance.

3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.

4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.

5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Required Findings of Fact | Floodplain Variance

1. The proposed accessory building may increase flood levels during the base flood discharge.

2. The variance is not the minimum necessary, considering the flood hazard, to afford relief.

3. The applicant has not shown good and sufficient cause for granting the variance.

4. A failure to grant the variance would not result in exceptional hardship to the applicant.

5. The granting of the variance may result in increased flood heights, additional threats to public safety and conflict with existing local laws or ordinances. However, it is doubtful the granting of the variance would cause fraud or victimization of the public.

Staff Recommendation

Staff recommends reviewing the above findings, including the findings for a floodplain variance, identifying a hardship and modifying the findings as necessary to support the decision of the Board.

Attachments

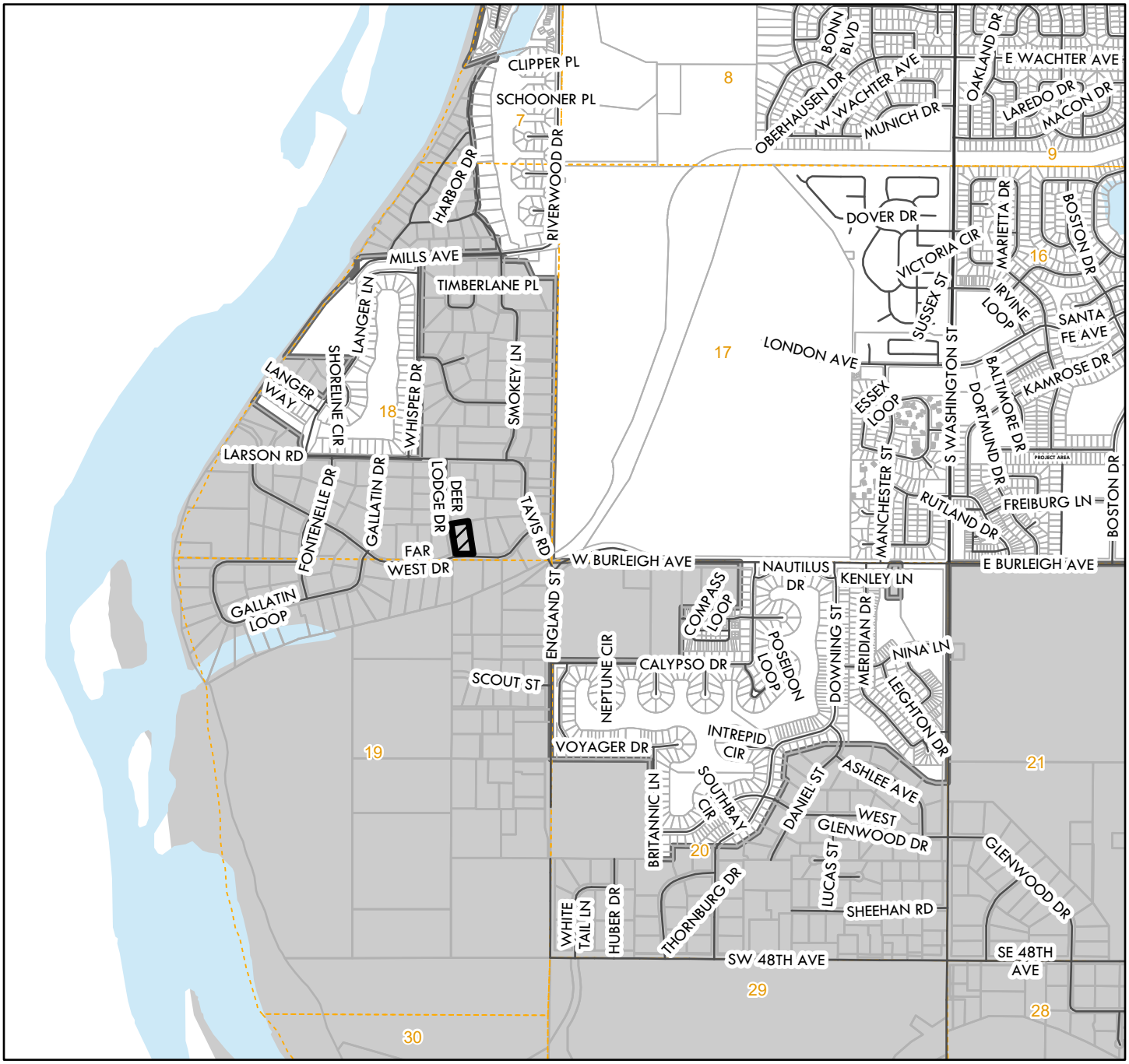
1. Location Map
2. Aerial Map
3. Site Plan
4. Photo Showing Location of Addition
5. Written Statement of Hardship
6. 1997 Building Permit and Inspection Notes
7. 1998 Elevation Certificate
8. 2009 Elevation Certificate
9. FIRMette

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Location Map

FOX ISLAND SUBDIVISION, L4, B7

VAR2021-002



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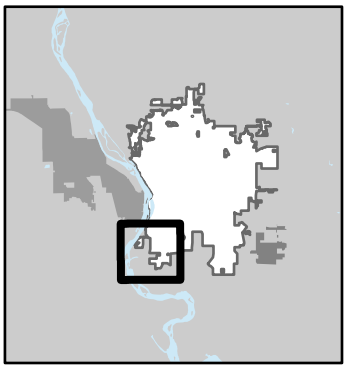

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
January 13, 2021 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Aerial Map

FOX ISLAND SUBDIVISION, L4, B7 FOX ISLAND SUBDIVISION, L4, B7

VAR2021-002
VAR2021-002

0 0.04 0.08 0.16 Miles

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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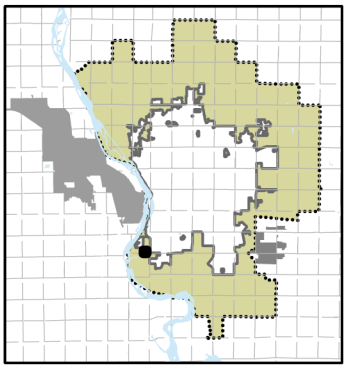
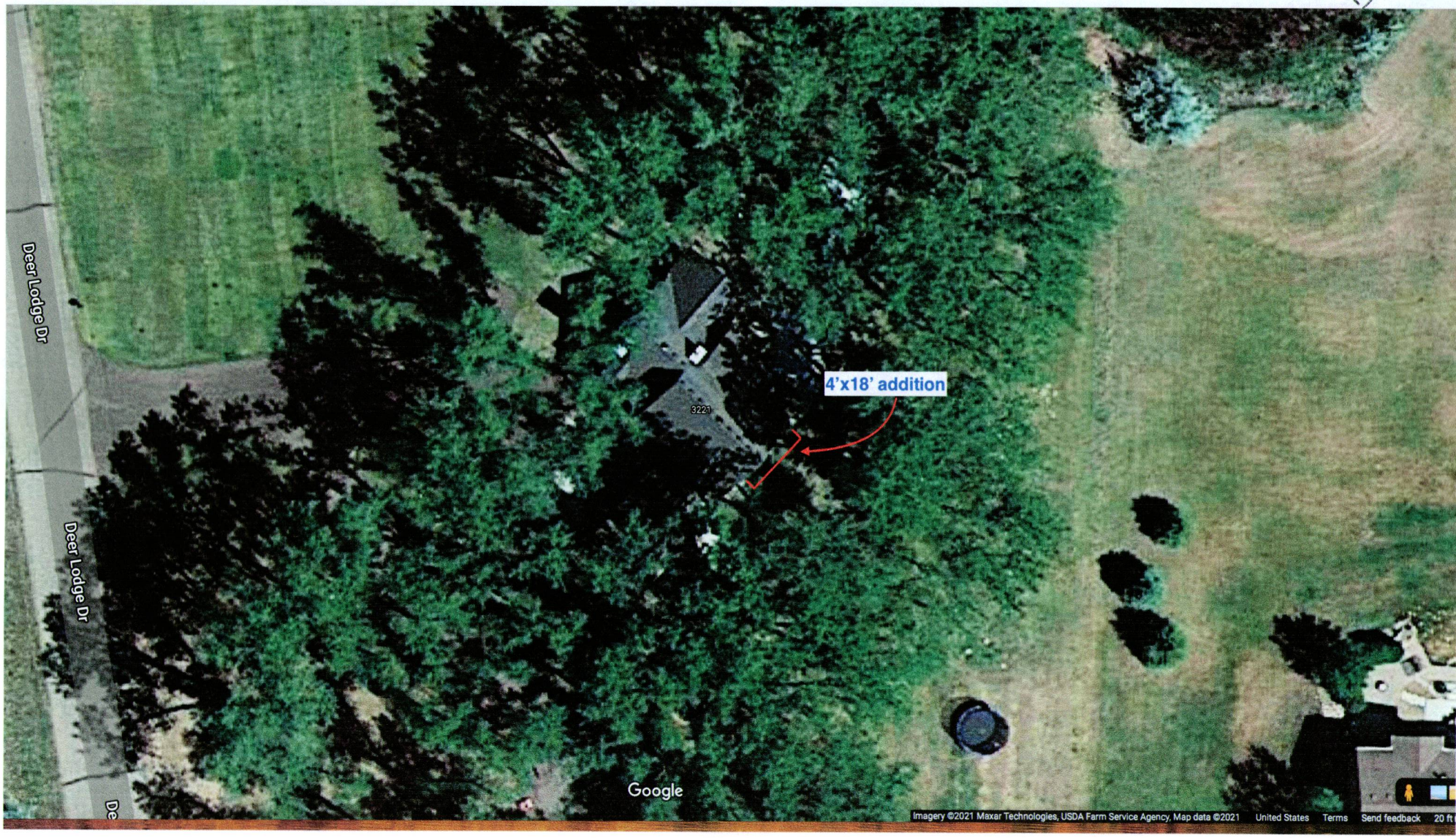


City of Bismarck
Community Development Department
Planning Division
January 25, 2021

JAN 11 2021


Deer Lodge Dr
Deer Lodge Dr
4'x18' addition
3221
Google
Imagery ©2021 Maxar Technologies, USDA Farm Service Agency, Map data ©2021
United States
Terms
Send feedback

JAN 11 2021

City of Bismarck
Community Development Department
Planning Division
Phone: 701-355-1840 * FAX: 701-222-6450 * TDD: 711
PO Box 5503 *Bismarck, ND 58506-5503
planning@bismarcknd.gov

Last Revised: 01/2017

WRITTEN STATEMENT OF HARDSHIP
(VARIANCE REQUEST)

JAN 11 2021

NOTE: WRITTEN STATEMENTS OF HARDSHIP MUST ACCOMPANY EVERY VARIANCE REQUEST APPLICATION

PROPERTY INFORMATION	
Property Address or Legal Description: (Lot, Block, Addition/Subdivision)	3221 Deer Lodge Drive
Location of Property:	☐ City of Bismarck ■ ETA
Type of Variance Requested:	
Applicable Zoning Ordinance: (Chapter/Section)	

Describe how the strict application of the requirements of the Zoning Ordinance would limit the use of the property. (Only limitations due to physical or topographic features – such as an irregularly shaped, narrow, shallow or steep lot or other exceptional physical or topographic condition – that are unique characteristics and not applicable to other properties in the neighborhood are eligible for a variance. Variances cannot be granted on the basis of economic hardship or inconvenience.)

The building elevation restrictions have changed since the home was built in 1998. We are remodeling the main level of our home and need the additional kitchen width to make it ADA compliant due to a stairwell on the other side of the kitchen that cannot be moved. Current elevation ordinance restrictions do not allow a four foot extension of our existing kitchen at the existing homes elevation. This would require us to raise the proposed extension approximately 12" above the current floors elevation. Elevating the proposed four foot extension is not a viable option because it defeats the purpose of the expansion. Neither is raising the rest of the slab on grade home.

Describe how these limitations would deprive you of reasonable use of the land or building involved, and result in unnecessary hardship.

If unable to expand the width of the kitchen we will not be able to make the main floor disability accessible. Our house is slab on grade construction, centered on a two and a half acre lot and adding a four foot wall extension at the existing grade is reasonable and does not infringe on neighbors property lines or easements. The closest neighbors property line is approximately 300 feet from the proposed 4 foot extension and I have included a letter from them supporting our request for the extension.

Describe how the variance requested is the minimum variance necessary to allow reasonable use of the property.

The variance requested for a 4' kitchen extension at the current grade is the minimum requirement to make it main floor ADA accessible due to a stairwell on the other side of the kitchen that cannot be moved. We are only asking to expand the width, not the length of the existing kitchen. It would be unreasonable to raise a slab on grade home 12 inches to meet the current elevation requirements. A 4' kitchen wall extension at the existing grade, to make the home main floor ADA compliant is reasonable use of the property.

I CERTIFY THAT THIS IS A MICROFILM COPY OF THE RECORDS OF THE CITY BUILDING INSPECTION DEPARTMENT, BISMARCK, NORTH DAKOTA.

DATE 10/20/03 SIGNATURE [signature]

BIP010 10/15/1997 **B U I L D I N G P E R M I T** Permit Num 1997-00110

Property Address 3221 DEER LODGE DR Location EXTRA TERRITORIAL

Special Flood Hazard YES
Architect
Deeded Owner LOT 4,BLK.7, FOX ISLAND 1ST
Contractor LOCH, TIM & TRUDY
Nondeeded Owner G. J. CONSTRUCTION- 667-3596
Contact Person TRUDY & TRUDY LOCH
JERRY HOPFAUF

Elevation 1634.20

Contractor Num 1318

Phone Num 258-2145

Desc Of Work 1 UNIT HOUSE/ATT.GARAGE- SLAB ON GRADE
BASEMENT - PORCH - LOT 4, BLOCK 7,
FOX ISLAND 1ST - 3221 DEER LODGE DR

Property Number 38-138-80-33-07-040 Township 38 Section 138 Range 80
Addition Name FOX ISLAND SUBDIVISION
Legal Desc 1. LOT 4 2.
3. 4. 499071

Type Of Work 1 - NEW
Occupancy Group R - RESIDENTIAL
Num Living Units 1
Size Eaves 24
Ownership Code 1 - PRIVATE

Census Code 0101
Division 3
Stories 2
Type Const VN

Zoning Dist RR - RURAL RESIDENTIAL
Easement 15'FRONT & SOUT
Required Front Yard 40
Required Side Yard 40.0 15.0
Required Rear Yard 50

	Previous Permit(s)	Current Permit	Total
Area Main Bldg	00	2,784	2,784
Garage Size	00	840	840
Total Finished	00	2,868	2,868
Total Basement Finished	00	00	00
Area Acc Bldgs	00	00	00
Num Off Street Parking	00	00	00
Area Off Street Parking	00	00	00
Total	00	2,784	2,784

Lot Front Width 405.77
Lot Rear Width 443.34
Avg Lot Width 424.56

Max Bldg Width 339.65
Bldg Width 85.00

Lot Square Ft 97,187
Percent Occupied .03

Cost Less Land 200,000.00
Service Line Size

Water Mtr .75=0 1=0 1.5=0 2=0 3=0

Concrete Work NO

Charges:
Permit Fee 832.00
Road Approach .00

Water Meter .00
Mobile Home .00

Lot Survey .00

TOTAL 832.00 ***

Payment Method Billed Num 64163

ALL CHARGES ARE DUE AND PAYABLE WITHIN 30 DAYS

* * * * * N O T I C E * * * * *

Separate permits are required for electrical, plumbing, and mechanical (HVAC).
This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 60 days at any time after work commenced.
All provisions of applicable codes and ordinances governing this type of work will be complied with whether specified herein or not. Nothing in this permit grants any right or privilege to erect or modify any structure or to use any premises herein described for any purpose or in any manner prohibited by the applicable code or the governing zoning ordinance.
All inspections will be made at request of contractor or owner. Phone 258-2070
I hereby certify that I have read and examined this application and know the same to be true and correct.

[signature] Permit Applicant

CARRIE Issued By

JACK HEGEDUS Building Inspector

BIP050 Permit Inspection Inquiry SCREEN01

Location	Num Add	Quad	Street Name	Desc	Additional Desc	Type
2	3221		DEER LODGE	DR		

Permit Type	Permit Num	Company Name	Open
BUILDING PERMITS	1997 00110	G. J. CONSTRUCTION- 667-3596	NO

Desc of Work 1 UNIT HOUSE/ATT.GARAGE- SLAB ON GRADE
BASEMENT - PORCH - LOT 4, BLOCK 7,
FOX ISLAND 1ST - 3221 DEER LODGE DR

Line #	Insp Date	Insp Type	Activity Desc	Inspector
1	10 / 17 / 1997	1ST	3221 DEER LODGE DR 4#4S 60SYN 2'5"ABOVE FP	TD
2	10 / 21 / 1997	1ST	GAR 2#4	KH
3	2 / 24 / 1998	2ND	FRAM	TD
4	2 / 25 / 1998	2ND	CHK FRAM	TD

More Activity Exists

F5=Permit Detail F9=Redisplay Addresses Page Down=More Activity
F11=Bypass Display F12=Redisplay Permits F16=RVI Page Up=Previous Activity

BIP050 Permit Inspection Inquiry SCREEN01

Location	Num Add	Quad	Street Name	Desc	Additional Desc	Type
2	3221		DEER LODGE	DR		

Permit Type	Permit Num	Company Name	Open
BUILDING PERMITS	1997 00110	G. J. CONSTRUCTION- 667-3596	NO

Desc of Work 1 UNIT HOUSE/ATT.GARAGE- SLAB ON GRADE BASEMENT - PORCH - LOT 4, BLOCK 7, FOX ISLAND 1ST - 3221 DEER LODGE DR

Line #	Insp Date	Insp Type	Activity Desc	Inspector
5	5 / 13 / 1998	CHK	FINAL-COULDNT DO-LOCKED	TD
6	2 / 26 / 2001	CP	CLOSED PERMIT	CG
7	2 / 26 / 2001	CP	CLOSED PERMIT	LH
8	2 / 26 / 2001	CP	CLOSED PERMIT	LH

F5=Permit Detail F9=Redisplay Addresses Page Down=More Activity
F11=Bypass Display F12=Redisplay Permits F16=RVI Page Up=Previous Activity

I CERTIFY THAT THIS IS A MICROFILM COPY OF THE RECORDS OF THE CITY BUILDING INSPECTION DEPARTMENT, BISMARCK, NORTH DAKOTA.

DATE 10/20/03 SIGNATURE L. Strohl

APR-29-98 09:34 AM SWENSON&HAGEN 7012232606 P.01

OMB NO 3067-0077
Expires May 31, 1996

ELEVATION CERTIFICATE

FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM

ATTENTION: Use of this certificate does not provide a waiver of the flood insurance purchase requirement. This form is used only to provide elevation information necessary to ensure compliance with applicable community floodplain management ordinances, to determine the proper insurance premium rate, and/or to support a request for a Letter of Map Amendment or Revision (LOMA or LOMR). Instructions for completing this form can be found on the following pages.

SECTION A PROPERTY INFORMATION

	FOR INSURANCE COMPANY USE
BUILDING OWNER'S NAME [illegible] LOCH	POLICY NUMBER
STREET ADDRESS (including Apt., Unit, Suite and/or Bldg. Number) OR P.O. ROUTE AND BOX NUMBER 3221 DEER LODGE DRIVE	COMPANY NAIC NUMBER
LEGAL DESCRIPTION (Lot and Block Numbers, etc.) [illegible] BLOCK 7 FOX ISLAND SUBDIVISION	
CITY [illegible]BISMARCK	STATE ND / ZIP CODE 58504

SECTION B FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

Provide the following from the proper FIRM (See Instructions):

1. COMMUNITY NUMBER	2. PANEL NUMBER	3. SUFFIX	4. DATE OF FIRM INDEX	5. FIRM ZONE	6. BASE FLOOD ELEVATION (in AO Zones, use depth)
[illegible]380149	0025	A	09/18/85	A4	1634.2

7. Indicate the elevation datum system used on the FIRM for Base Flood Elevations (BFE): ☒ NGVD '29 ☐ Other (describe on back)
8. For Zones A or V, where no BFE is provided on the FIRM, and the community has established a BFE for this building site, indicate the community's BFE: [illegible] feet NGVD (or other FIRM datum–see Section B, Item 7).

SECTION C BUILDING ELEVATION INFORMATION

1. Using the Elevation Certificate Instructions, indicate the diagram number from the diagrams found on Pages 5 and 6 that best describes the subject building's reference level 1.
2(a). FIRM Zones A1-A30, AE, AH, and A (with BFE). The top of the reference level floor from the selected diagram is at an elevation of 1635.3 feet NGVD (or other FIRM datum–see Section B, Item 7).
(b). FIRM Zones V1-V30, VE, and V (with BFE). The bottom of the lowest horizontal structural member of the reference level from the selected diagram, is at an elevation of [illegible] feet NGVD (or other FIRM datum–see Section B, Item 7).
(c) FIRM Zone A (without BFE). The floor used as the reference level from the selected diagram is [illegible] feet above ☐ or below ☐ (check one) the highest grade adjacent to the building.
(d). FIRM Zone AO The floor used as the reference level from the selected diagram is [illegible] feet above ☐ or below ☐ (check one) the highest grade adjacent to the building. If no flood depth number is available, is the building's lowest floor (reference level) elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown
3. Indicate the elevation datum system used in determining the above reference level elevations: ☒ NGVD '29 ☐ Other (describe under Comments on Page 2) *(NOTE: If the elevation datum used in measuring the elevations is different than that used on the FIRM [see Section B, Item 7], then convert the elevations to the datum system used on the FIRM and show the conversion equation under Comments on Page 2.)*
4. Elevation reference mark used appears on FIRM ☐ Yes ☒ No (See Instructions on Page 4)
5. The reference level elevation is based on: ☒ actual construction ☐ construction drawings
(NOTE: Use of construction drawings is only valid if the building does not yet have the reference level floor in place, in which case this certificate will only be valid for the building during the course of construction. A post-construction Elevation Certificate will be required once construction is complete.)
6. The elevation of the lowest grade immediately adjacent to the building is: 1633.9 feet NGVD (or other FIRM datum-see Section B, Item 7)

SECTION D COMMUNITY INFORMATION

1. If the community official responsible for verifying building elevations specifies that the reference level indicated in Section C, Item 1 is not the "lowest floor" as defined in the community's floodplain management ordinance, the elevation of the building's "lowest floor" as defined by the ordinance is: [illegible] feet NGVD (or other FIRM datum–see Section B, Item 7)
2. Date of the start of construction or substantial improvement ___ ___ ___

FEMA Form 81 31, MAY 93 REPLACES ALL PREVIOUS EDITIONS SEE REVERSE SIDE FOR CONTINUATION

I CERTIFY THAT THIS IS A MICROFILM COPY OF THE RECORDS OF THE CITY BUILDING INSPECTION DEPARTMENT, BISMARCK, NORTH DAKOTA.

DATE 10/20/03 SIGNATURE L. Strah

APR-29-98 09:35 AM SWENSON&HAGEN 7012232606 P.02

SECTION E CERTIFICATION

This certification is to be signed by a land surveyor, engineer, or architect who is authorized by state or local law to certify elevation information when the elevation information for Zones A1–A30, AE, AH, A (with BFE),V1–V30,VE, and V (with BFE) is required. Community officials who are authorized by local law or ordinance to provide floodplain management information, may also sign the certification. In the case of Zones AO and A (without a FEMA or community issued BFE), a building official, a property owner, or an owner's representative may also sign the certification.

Reference level diagrams 6, 7 and 8 - Distinguishing Features–If the certifier is unable to certify to breakaway/non-breakaway wall, enclosure size, location of servicing equipment, area use, wall openings, or unfinished area Feature(s), then list the Feature(s) not included in the certification under Comments below. The diagram number, Section C, Item 1, must still be entered.

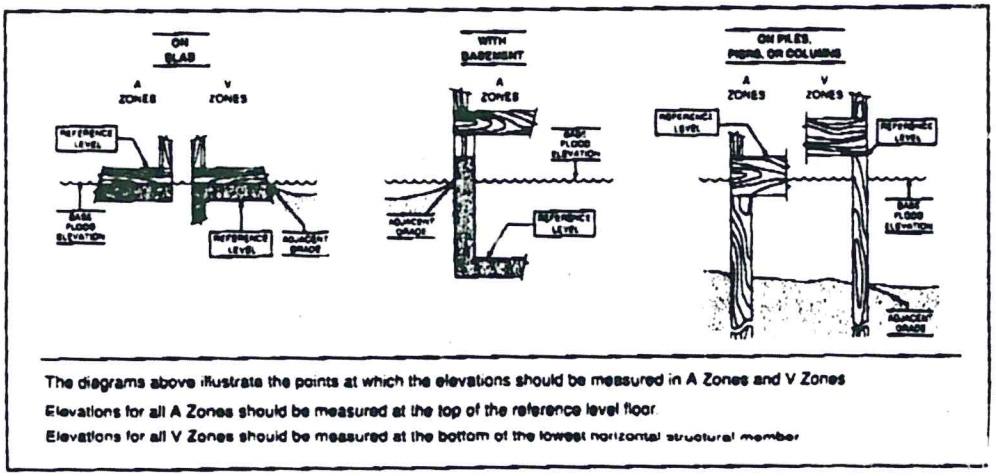
I certify that the information in Sections B and C on this certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

TERRY BALTZER REGISTERED LAND SURVEYOR L.S. 3595 STATE OF NORTH DAKOTA

CERTIFIER'S NAME	LICENSE NUMBER (or Affix Seal)
TERRY BALTZER	3595
TITLE	COMPANY NAME
SURVEY CREW CHIEF	SWENSON, HAGEN & CO.
ADDRESS	CITY
909 BASIN AVENUE	BISMARCK
SIGNATURE Terry Baltzer	DATE 4-28-98 PHONE (701) 223-2000

Copies should be made of this Certificate for: 1) community official, 2) insurance agent/company, and 3) building owner.

COMMENTS:



The diagrams above illustrate the points at which the elevations should be measured in A Zones and V Zones.

Elevations for all A Zones should be measured at the top of the reference level floor.

Elevations for all V Zones should be measured at the bottom of the lowest horizontal structural member.

Page 2

U.S. DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
National Flood Insurance Program

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expires February 28, 2009

Important: Read the instructions on pages 1-8.

SECTION A - PROPERTY INFORMATION

	For Insurance Company Use:
A1. Building Owner's Name Brent Bender	Policy Number
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 3221 Deer Lodge Drive City Bismarck State ND ZIP Code58504	Company NAIC Number

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
Lot 4 and Tract Replat of Lot 3 Block 7 Fox Island Subdivision

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) residential

A5. Latitude/Longitude: Lat. N46.7667 Long. W100.8206 Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number1

A8. For a building with a crawl space or enclosure(s), provide
- a) Square footage of crawl space or enclosure(s) NA sq ft
- b) No. of permanent flood openings in the crawl space or enclosure(s) walls within 1.0 foot above adjacent grade 0
- c) Total net area of flood openings in A8.b 0 sq in

A9. For a building with an attached garage, provide:
- a) Square footage of attached garage 840 sq ft
- b) No. of permanent flood openings in the attached garage walls within 1.0 foot above adjacent grade 0
- c) Total net area of flood openings in A9.b 0 sq in

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number	B2. County Name	B3. State
Bismarck 380149	Burleigh	ND

B4. Map/Panel Number	B5. Suffix	B6. FIRM Index Date	B7. FIRM Panel Effective/Revised Date	B8. Flood Zone(s)	B9. Base Flood Elevation(s) (Zone AO, use base flood depth)
38015C0790C	C	07-19-05	07-19-05	AE	1636.2

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9.
☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other (Describe) ____

B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other (Describe) ____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No
Designation Date____ ☐ CBRS ☐ OPA

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-g below according to the building diagram specified in Item A7.
Benchmark Utilized Bsmk CORS Vertical Datum NAVD 1988
Conversion/Comments ____

			Check the measurement used.
a)	Top of bottom floor (including basement, crawl space, or enclosure floor)	1636.7	☒ feet ☐ meters (Puerto Rico only)
b)	Top of the next higher floor	1646.0	☒ feet ☐ meters (Puerto Rico only)
c)	Bottom of the lowest horizontal structural member (V Zones only)	NA	☐ feet ☐ meters (Puerto Rico only)
d)	Attached garage (top of slab)	1636.4	☒ feet ☐ meters (Puerto Rico only)
e)	Lowest elevation of machinery or equipment servicing the building (Describe type of equipment in Comments)	1636.4	☒ feet ☐ meters (Puerto Rico only)
f)	Lowest adjacent (finished) grade (LAG)	1636.0	☒ feet ☐ meters (Puerto Rico only)
g)	Highest adjacent (finished) grade (HAG)	1636.3	☒ feet ☐ meters (Puerto Rico only)

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. *I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.*

☐ Check here if comments are provided on back of form.

Certifier's Name Terry Baltzer License Number 3595

Title RLS Company Name Swenson, Hagen & Co.

Address 909 Basin Avenue City Bismarck State ND ZIP Code 58504

Signature Terry Baltzer Date February 5, 2009 Telephone 701-223-2600

IMPORTANT: In these spaces, copy the corresponding information from Section A.	For Insurance Company Use:
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 3221 Deer Lodge Drive	Policy Number
City Bismarck StateNDZIP Code 58504	Company NAIC Number

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments Detached garage floor elevation is 1633.4.

Signature Terry Batty Date 02/05/2009

☐ Check here if attachments

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
a) Top of bottom floor (including basement, crawl space, or enclosure) is _____.____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
b) Top of bottom floor (including basement, crawl space, or enclosure) is _____.____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.

E2. For Building Diagrams 6-8 with permanent flood openings provided in Section A Items 8 and/or 9 (see page 8 of instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____.____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E3. Attached garage (top of slab) is _____.____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is _____.____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge.*

Property Owner's or Owner's Authorized Representative's Name

Address City State ZIP Code

Signature Date Telephone

Comments

☐ Check here if attachments

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8. and G9.

G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

G3. ☐ The following information (Items G4.-G9.) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate Of Compliance/Occupancy Issued

G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____.____ ☐ feet ☐ meters (PR) Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____.____ ☐ feet ☐ meters (PR) Datum _____

Local Official's Name Title

Community Name Telephone

Signature Date

Comments

☐ Check here if attachments

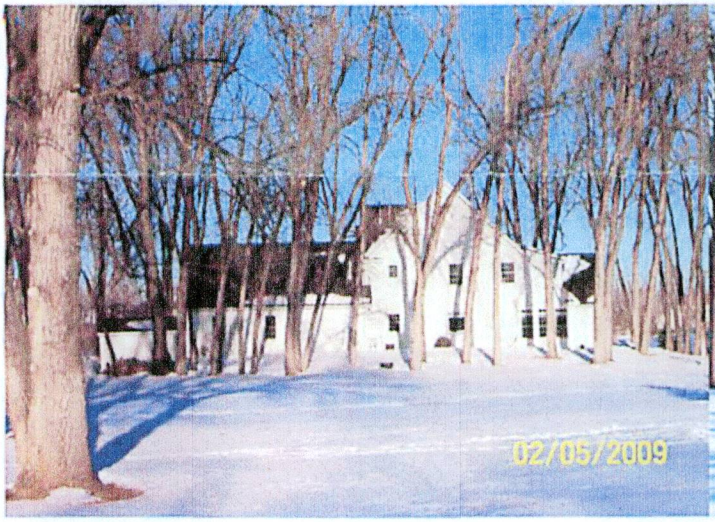
FEMA Form 81-31, February 2006 Replaces all previous editions

Building Photographs

See Instructions for Item A6.

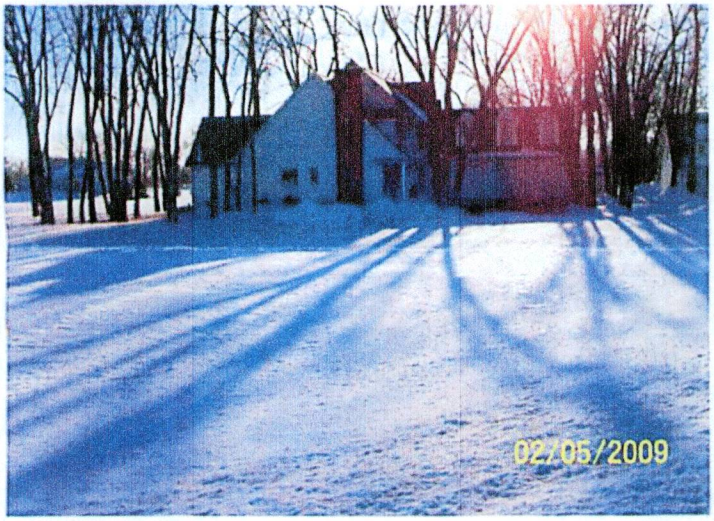
			For Insurance Company Use:
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or PO Route and Box No. 3221 Deer Lodge Drive			Policy Number
City Bismarck	State ND	ZIP Code 58504	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least two building photographs below according to the Instructions for Item A6. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required "Right Side View" and "Left Side View." If submitting more photographs than will fit on this page, use the Continuation Page, following.



SOUTHEAST

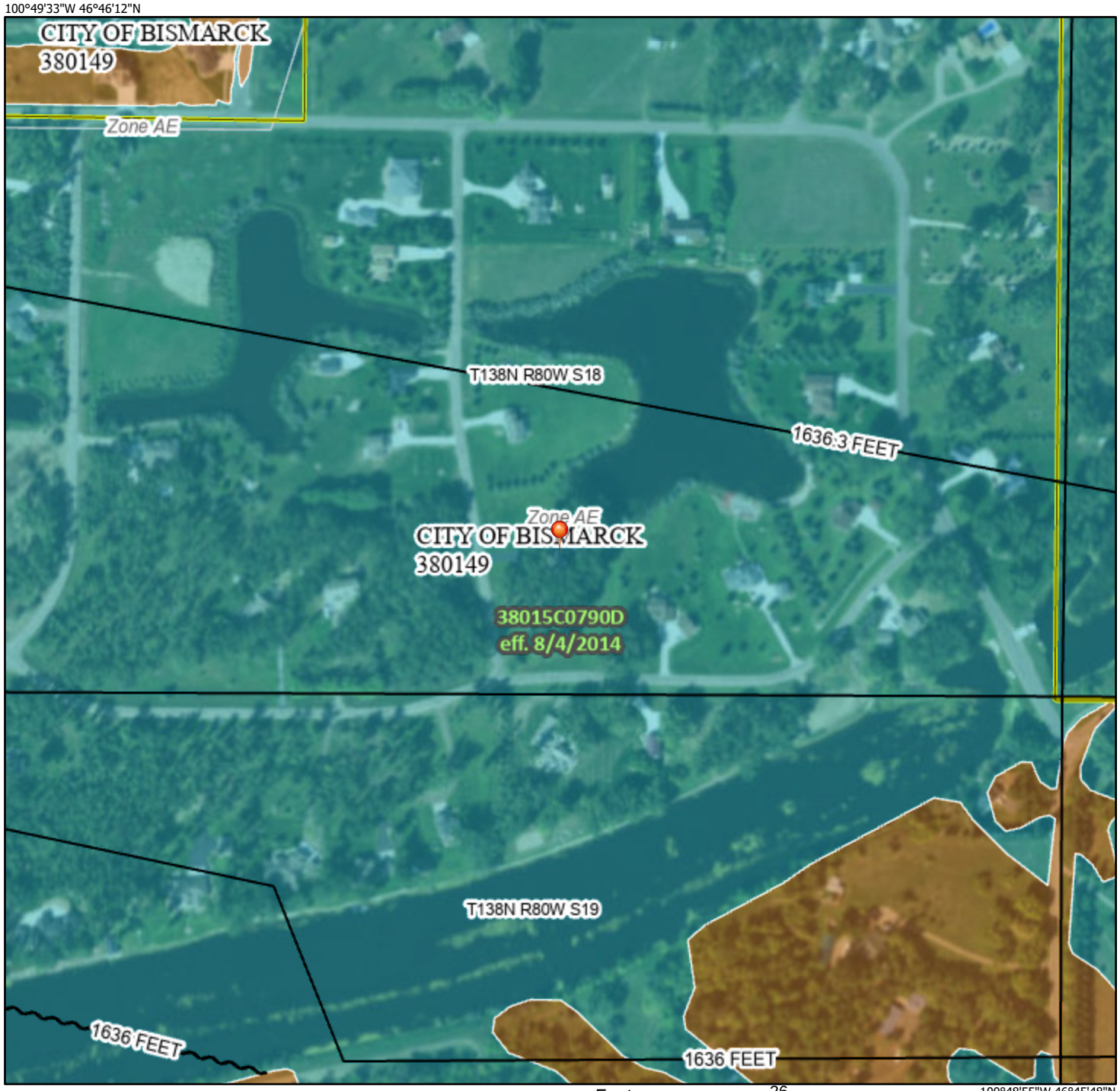
SOUTHWEST



NORTHWEST

National Flood Hazard Layer FIRMette

FEMA



Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 Cross Sections with 1% Annual Chance
- 17.5 Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/26/2021 at 12:42 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES
December 3, 2020

The Bismarck Board of Adjustment met on December 3, 2020, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Due to ongoing public health concerns related to COVID-19, the meeting was held via Zoom. Chair Marback presided and was present in the Tom Baker Meeting Room.

Members present were Jennifer Clark, Ken Hoff, Curtis Janssen, Michael Marback, Chris Seifert and Rick Wohl.

Staff members present were Hilary Balzum – Community Development Administrative Assistant, Brady Blaskowski – Building Official/Floodplain Administrator, Jannelle Combs – City Attorney, Kim Lee – Planning Manager and Jenny Wollmuth – Planner.

MINUTES:

Chair Marback called for approval of the minutes of the November 4, 2020 meeting of the Board of Adjustment.

MOTION: A motion was made by Mr. Hoff and seconded by Mr. Janssen to approve the minutes of the November 4, 2020 meeting, as presented. With Board Members Clark, Janssen, Hoff, Marback and Seifert voting in favor, the minutes were approved.

VARIANCE FROM SECTION 14-04-01(4) OF THE CITY CODE OF ORDINANCES (RR-RESIDENTIAL) (FRONT YARD) – LOT 1, BLOCK 1, HESTER SUBDIVISION (7112 SIBLEY DRIVE)

Chair Marback stated the applicants, Mary and Arland Johnson and Jeremy Rupp, are requesting a variance to reduce the required front yard setback from 40 feet to 22 feet in order to allow the construction of an addition to an existing nonconforming single-family dwelling located on Lot 1, Block 1, Hester Subdivision (7112 Sibley Drive). The property is located south of Bismarck, south of Bismarck, south of Oahe Bend along the west side of Sibley Drive.

Ms. Wollmuth said the existing single-family dwelling is located within the RR – Residential zoning district and within the Special Flood Hazard Area (SFHA). She said it was constructed in 1954 and the property was platted into Hester Subdivision in 1994. Ms. Wollmuth added that when the property was platted, right-of-way for Sibley Drive was dedicated and this action placed the dwelling into the required front yard setback and made the dwelling nonconforming. She said the proposed addition is located along the west side or rear of the dwelling and would not encroach further into the required front yard setback. However, as the existing dwelling encroaches into the required front yard setback, a variance would be needed to allow the construction of the proposed addition.

Ms. Wollmuth went on to explain that the zoning ordinance allows additions to nonconforming residential structures in the R5 – Residential and R10 – Residential zoning districts, provided that a proposed addition does create additional nonconforming conditions or does not further encroach into required setbacks. She then said when the zoning ordinance was modified in 2017, additions to nonconforming structures in the RR – Residential zoning districts or to structures located within the SFHA were not included so are not allowed. However, staff has reviewed this section of the ordinance and will be initiating a zoning ordinance text amendment to allow additions to nonconforming structures within the RR – Residential zoning district and SFHA with the same parameters as what is allowed in the R5 – Residential and R10 – Residential.

Ms. Wollmuth then said according to records, a building permit (BRDK2016-0031) was issued in 2016 for a 112 square foot front porch addition and the addition did not encroach further into the required front yard setback. Ms. Wollmuth added that a copy of the permit application, building permit, and permit review and inspection notes are attached to the staff report.

Ms. Wollmuth closed by saying this property is located within the Special Flood Hazard Area (SFHA); however, the applicant has indicated that the proposed addition will comply with the floodplain requirements outlined in the zoning ordinance.

Ms. Wollmuth then gave the following findings for all variances:

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the RR-Residential zoning district.

2. The hardship is not caused by the provisions of the Zoning Ordinance.

3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.

4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.

5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Ms. Wollmuth said staff recommends reviewing the findings ~~for a variance~~ contained in the staff report, identifying a hardship and modifying the findings as necessary to support the decision of the Board.

Ms. Clark asked if the City staff is considering a change to the zoning ordinance because of this situation.

Ms. Wollmuth said staff is working on a zoning ordinance text amendment to allow additions to non-conforming structures in the RR-Residential zoning district, so long as the property is made more nonconforming.

Mr. Rupp said he does not have anything to add to the request and he agrees with the staff presentation.

Chair Marback opened the public hearing.

There being no comments, Chair Marback closed the public hearing.

MOTION: A motion was made by Mr. Janssen to approve the variances from Section 14-04-01(4) of the City Code of Ordinances (RR – Residential / Front Yard) reduce the required front yard setback from 40 feet to 22 feet in order to allow the construction of an addition to an existing single-family dwelling located on Lot 1, Block 1, Hester Subdivision (7112 Sibley Drive), based on the exceptional physical condition of the property, the zoning ordinance change making the property non-conforming and creating an unnecessary hardship, relief being given to the applicant and it would not be a detriment to the adjacent property owners. The motion was seconded by Mr. Seifert and with Board Members Clark, Hoff, Janssen, Marback, Seifert and Wohl voting in favor of the motion, the motion was unanimously approved and the variance was approved by the Board of Adjustment.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Marback declared the meeting of the Bismarck Board of Adjustment adjourned at 5:08 p.m. to meet again on January 7, 2021.

Respectfully Submitted,

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Hilary Balzum
Recording Secretary

APPROVED:

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Michael Marback, Chair

DRAFT