

**BISMARCK BOARD OF ADJUSTMENT  
MEETING MINUTES  
April 1, 2021**

The Bismarck Board of Adjustment met on April 1, 2021, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5<sup>th</sup> 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, Janelle Combs – City Attorney, Ben Ehreth – Community Development Director and Jenny Wollmuth – Senior Planner.

**MINUTES:**

Vice Chair Clark called for approval of the minutes of the February 4, 2021 meeting of the Board of Adjustment.

Mr. Seifert indicated to switch around the member who made the motion and who seconded the motion on page 3 of the minutes.

**MOTION:** A motion was made by Mr. Hoff and seconded by Mr. Seifert to approve the minutes of the February 4, 2021 meeting, with the noted correction. With Board Members Clark, Janssen, Hoff, Wohl and Seifert voting in favor, the minutes were approved.

Chair Marback joined the meeting at this time.

**VARIANCE FROM SECTION 14-04-01(5) OF THE CITY CODE OF ORDINANCES (RR – RESIDENTIAL / SIDE YARD) – LOT 23, BLOCK 2, COPPER RIDGE SUBDIVISION (5627 KAYLEY DRIVE)**

Chair Marback stated the applicants, Aaron Joramo and Jerri Buchmiller, are requesting a variance to reduce the required side yard setback, located along the west side of their property, from 15 feet to 11.5 feet in order to construct a 2,304 square foot accessory building on Lot 23, Block 2, Copper Ridge Subdivision (5627 Kayley Drive). The property is located south of Bismarck, south of 62nd Avenue SE and west of 52nd Street SE, along the south side of Kayley Drive.

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 then shared that it has been discovered by City staff that the applicant was mistakenly informed of the wrong meeting date for this meeting and it is recommended that the request be continued to the May 6<sup>th</sup> meeting of the Board of Adjustment.

**MOTION:** A motion was made by Mr. Seifert to continue the request for a from Section 14-04-01(5) of the City Code of Ordinances (RR – Residential / Side Yard) to reduce the required side yard setback, located along the west side of their property, from 15 feet to 11.5 feet in order to construct a 2,304 square foot accessory building to be located on Lot 23, Block 2, Copper Ridge Subdivision (5627 Kayley Drive), to allow time for staff to inform the applicant of the correct meeting date and to renotify the adjacent property owners of the request. The motion was seconded by Mr. Janssen 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 request was continued to the May 6<sup>th</sup> meeting of the Board of Adjustment.

## **OTHER BUSINESS**

## **MEMBER TERMS AND APPLICATION PROCESS**


Ms. Wollmuth said Mr. Hoff and Ms. Clark have expiring terms and the process would be for them to reapply for those positions if they wish to do so. She said Mayor Bakken would provide a recommendation of appointments to the City Commission.

There was no other business to discuss at this time.

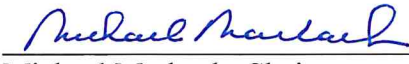
## **ADJOURNMENT**

There being no further business, Chair Marback declared the meeting of the Bismarck Board of Adjustment adjourned at 5:10 p.m. to meet again on May 6, 2021.

Respectfully Submitted,

  
Hilary Balzum  
Recording Secretary

APPROVED:

  
Michael Marback, Chair