

MANDAN ARCHITECTURAL REVIEW COMMISSION MINUTES

April 23, 2013

The meeting was called to order at 1:00 p.m.

ROLL CALL: Robert (Bob) Vayda/President, Doug Lalim/City Assessor & Building Official, Steph Smith, Steve Nardello/Fire Chief, Leonard Bullinger, & Kim Fettig/City Engineering.

MEMBERS ABSENT: Jerome Gangl, Jason Krebsbach, Rick Zander, Richard Barta

FIRST ORDER OF BUSINESS: Proposal by Perry Schlosser of Schlosser Home Contracting to construct a 4-unit condo with unfinished basement storage located at 604 1st St. NW. The proposed building area will have 2,420 square feet.

Perry stated the exterior colors will be white and gray siding with black shingles. He is building them as condos so he can sell them, they will be 1276 sq. ft. with off-street parking and no garages. The landscaping will have a couple of trees there. The lighting will be in the SE corner and SW corner. Leonard indicated that when Perry does the lighting to be sure it doesn't shine out into the street. Bob Vayda questioned having the decks go into that 15 foot area, is that legal. Usually the decks are above the street level, but this one is down at grade level. Doug stated on the building code side of it, it is fine but the zoning is what would reflect whether you can or cannot do. Perry indicated the decks will be up one story; there is just a patio for the lower unit. It will be covered patio so it would be part of the building. The building would start at the foundation of the deck. There would be 15 foot setback. This is located in the Fringe District of the downtown area and is in residential area. The question is whether or not that deck or porch is allowed to encroach into that front setback or not. This would be a planning and zoning ordinance. The zoning is CB but the "use" is residential so it would follow the residential zoning. The rear is 10 feet, side yard is 6 feet. Residential has 15 ft. setback.

Steve said he spoke with Leonard before the meeting and it looks like everything else is okay as far as materials. Leonard questioned whether the garbage area would be surrounded or enclosed. Perry questioned whether or not it could be just a big garbage can – rolling ones (the totes) like a residence. He would probably need two of them on each end. Perry indicated he wasn't planning on a large dumpster area.

Perry said he would probably brick the lower part about 4 feet. Leonard mentioned that the material for a multi-family containing more than eight units and all visible walls can be brick faced, stone, precast, efface, stucco or equivalent. Jason had requested the dormer type because last time we had the meeting it looked like some of the other homes there had the dormers and that is the reason he put the dormers with the covered decks to cover that part of it.

Steve mentioned as far as the fire code since there is more than three it would need to be sprinkled. Decks are included also.

Doug indicated we need to determine whether we are going to call the building foundation at the deck level or at the wall level. This is a covered deck with a roof so it looks as part of the structure. We would probably need the 15 feet from the edge of the porch being it is not an open deck. Leonard questioned if he didn't have the footings come all the way down, have it cantilever out for the deck because then it wouldn't encroach. Doug will speak with Richard and ask him. Steve asked Perry if that is the case, could he have an open deck and have it as not part of the structure and could he move that dormer up just on that roof to give that an appearance. Perry stated he could do that; he would just set the gable up on top of the roof instead of up off of the deck.

Leonard stated he may need to put rock next to the building or the grass is going to die.

Doug stated according to Richard all the older houses in town, the porches encroached into the setback but they are not more than six feet so he has been following that rule. Even those covered, if it is less than six feet and encroaching, it is fine. Perry's is at five so this would be fine. The foundation still has to be back but you can have a foundation or piers for the covered porch or deck so this scenario should be fine then.

Bob questioned if there is anything written down physically about it. Doug stated Richard has been following that rule because there is so many of them around in the older parts of the city that are like that.

Doug also indicated that when you are only five feet away from the back property you would need a fire wall there also.

The zoning is CB. If it is commercial you can go up to the building line. Doug said what Richard stated was that anything that is CB you would first go by the "use" of the building and if the place is going to be built in the residential area, you would follow the RM zoning and this would be a residential structure. Kim is looking this up in the zoning regulations book.

It does state in the book to go with the RM zoning (15 feet setback for the front, being it is a corner lot the street sides follow the 15 feet on both streets).

Kim stated in the book where it mentions about projections into yards; it is under 21-03-05 underneath Supplementary Provisions, Item #2. Projections into yards, steps, terraces, and open porches may extend into any minimum front or rear yard not more than six feet.

Steve motioned to approve as presented but must be in compliance to the building and fire code and also have an enclosed garbage area if using large dumpsters. The building code would include the fire code for a fire wall in the back property.

Leonard seconded.

Upon roll call vote, the motion passes unanimously.

DISCUSSION: Bob Vayda had a question and asked Doug that Richard has been talking about that encroachment into the area about six feet or no more and that's basically based on all type of housing, his question to Doug is what if somebody is building into a new area and wants to make it something like a house in an old area and they want to do the same thing, are you going to allow that. Doug stated he likes things that are regulated and written down and if we are going to proceed from here he thinks there should be something amended into the ordinance that says that about whether it is open decks or covered decks. It is probably something we need to put on our agenda to draw up something and bring it to Planning and Zoning and see if they would amend to certain districts.

Leonard stated if you are in the downtown area and you have two story homes there, we don't want anybody to come in with a ranch or slab on grade house. You want it to look somewhat into the area that is around there. We want to make the neighborhood uniform.

Kim also mentioned in regards to the proposal for Perry Schlosser to construct the 4-unit condo. She had forgotten to mention to him she would need a storm water plan or he has to bring in a waiver for storm water if he doesn't want to furnish one. Kim will not be able to sign off on the paperwork until she receives this from Perry.

Anytime you put in a hard surfacing, you have to either ask for a waiver for the storm water and document why you don't think you need one or you need to furnish a storm water plan.

MINUTES: Approval of the minutes from April 9, 2013.

Steph motioned to approve.

Leonard seconded.

Upon roll call vote, the motion passes unanimously.

There being no further business, the meeting was adjourned at 1:40 p.m.

Approved by:

Date

Transcribed by:
Rachel Hastings/Admin. Assistant