

CITY OF MANDAN			
Development Review Application			
<input type="checkbox"/>	Minor Plat (\$300)	<input type="checkbox"/>	Zone Change (\$600)
<input type="checkbox"/>	Preliminary Plat up to 20 acres (\$400)	<input type="checkbox"/>	Planned Unit Development (\$700)
<input type="checkbox"/>	Preliminary Plat more than 20 acres (\$450)	<input type="checkbox"/>	Land Use and Transportation Plan Amendment (\$1,000)
<input type="checkbox"/>	Final Plat up to 20 lots (\$400)	<input type="checkbox"/>	Vacation (\$500)
<input type="checkbox"/>	Final Plat 21 to 40 lots (\$550)	<input checked="" type="checkbox"/>	Variance (\$400)
<input type="checkbox"/>	Final Plat more than 40 lots (\$700)	<input type="checkbox"/>	Special Use Permit (\$450)
<input type="checkbox"/>	Annexation (\$450)	<input type="checkbox"/>	Stormwater submittal (\$300)
<input type="checkbox"/>	Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	<input type="checkbox"/>	Stormwater 2 nd & subsequent resubmittal (\$50)
<input type="checkbox"/>	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)		
Summary of Request (Add separate sheet(s) as necessary)			
See attached sheet:			

Engineer/Surveyor			Property Owner or Applicant		
Name Interstate Engineering, Aaron Hummert			Name Jan & Rayette Fasching		
Address 2610 Old Red Trail, Suite B			Address 807 7th St SW		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email aaron.hummert@interstateeng.com			email f345kv@hotmail.com		
Phone 701-663-5455	Fax 701-663-6577		Phone 701-390-2136	Fax	
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name	
<input checked="" type="checkbox"/>	City	<input type="checkbox"/>	ETA	<input type="checkbox"/>	New	<input type="checkbox"/>	Addition
				MA	MA		
Property Address				Legal Description			
711 7th St SW, Mandan, ND				vacated portion of 7th Ave SW & 7th St SW			
Current Use							
wholesale bait shop				Mandan Land & Improvement Co's South Side Addition			
Proposed Use							
wholesale bait shop				Section 34	Township 139	Range 81	
Parcel Size 40'x139.36'	Building Footprint	Stories	Building SF	Required Parking	Provided Parking		

Print Name Jan & Rayette Fasching	Signature Jan Fasching Rayette Fasching	Date 9-22-2020 9-22-2020
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Office Use Only			
Date Received:	Initials: nm	Fees Paid: \$ 400	Date 9-22-2020
Notice in paper	Mailed to neighbors	P&Z meeting	
<input type="checkbox"/> Approved	Approved with conditions:		
<input type="checkbox"/> Denied			

Additional Submittals

Variance

A zoning variance application shall include a detailed statement with the following information:

1. The circumstances or conditions applying to the land or buildings for which the variance is sought

The City of Mandan vacated the road right of way in 1936 in order to facilitate the construction of the current structure to support the old Mandan Mill, which was historically located on this parcel near the Heart River. This building has traditional and historical value, as well as being used to this day in a beneficial economic way to support a bait shop for our community.

2. How the applicant is deprived of a reasonable use of said land or building;

See attached.

3. How the grant of a variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

See attached.

4. The minimum variance that will accomplish the relief sought.

See Attached.

The zoning map may be used to view the subject property and surrounding property's zoning and view property lines overlaid on an aerial. The zoning map may be found on the City's website at CityofMandan.com and selecting Departments → Engineering and Planning → Maps → Zoning Map or by clicking [here](#) if viewing this document digitally.

Question 2:

How the applicant is deprived of a reasonable use of said land or building;

In order to support the Lower Hear River Water Resource District's need to acquire additional property on the south property line, I would like to subdivide this parcel so that it can meet the project goals for flood management for our community as well as support a lot for my daughter to build a home upon. If the City requires the traditional road right of way upon submitting the subdivision request the bait shop would become part of the previously vacated road and I would lose the ability to use this building and property effectively. If a variance is not granted, it would require that the city remove the structure in the case of future road development which would be costly and destroy a historic and valuable structure.

Question 3:

How the grant of a variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

This property is uniquely situated within the city as it is completely surrounded by municipal uses to the north and east, as well as a golf course to the west and their use of 7th St SW. These city properties use this roadway as a secondary access route. There is no "through" traffic as there is no efficient connections to larger arterial roads for normal traffic loads. With the Heart River and LHRWRD dike system to the south, there is no possibility for development from the south to bring future traffic to this area. These constraints should allow for a limited road width right of way, as the future land use is by the city and park district, which serves a very specific purpose and not likely to develop into a higher use in the future.

This building has stood for over 80 years without causing a traffic or safety issue for the community and is not likely to create any issues going forward. If this vacated road right of way would have been required for safety and future demand or growth, it would have been acquired for the Southside road project that was recently completed in this area, however the project accommodated for the vacated roadway. Therefore, the city must not see it as necessary road right of way.

Question 4:

The minimum variance that will accomplish the relief sought.

A grant of variance to the Mandan Code of Ordinances to allow my subdivision to maintain the vacated road right of way for 1936 and not re-create this road easement on the new plat.

I, Theodore A. Emil authorize this variance request that Jan and Rayette Fasching are submitting.

Theodore A. Emil

9-21-20

Signature

Date

Theodore A. Emil

711 7th Street SW

Mandan, ND 58554

Phone number: 701-663-0184

Theodore A. Emil personally appeared before on this date,

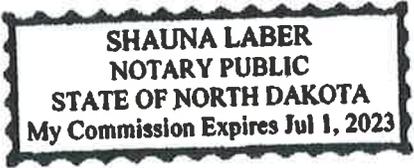
September 21, 2020.

Shauna Laber

Signature

Notary Public

State of North Dakota



My commission expires:

07/01/2023