



AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:30 P.M.
WEDNESDAY, DECEMBER 18, 2019

Roll Call, Reading and Approval of the November 25, 2019 minutes.

NEW BUSINESS

1. A request from Travis & Calantha Kerzman for a front setback variance for an accessibility ramp at 813 John's Drive NE. Said property is Lot 2, Block 2, Diane's 1st Addition in Section 27, Township 139N, Range 81W.

A. Staff report B. Open for public comment C. Close public comment D. Commission action

Staff Recommendation: To recommend approval of the variance to the front setback from 20' to 9' for the purposes of accessibility ramp construction based on the findings in Exhibit 2.

OTHER BUSINESS

1. Appointment of Chair, Vice Chair and Secretary.

2. 2020 Meeting Dates. Dates with an * fall on or near a holiday. Consider rescheduling.

January 27

February 24

March 23

April 27

***May 25 - Memorial Day (suggested change to Wednesday, May 27)**

June 22

July 27

August 24

September 28

October 26

November 23

***December 28 – (Date o.k? Other options are Wednesday, Dec. 23 or 30)**

ADJOURN

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
November 25, 2019

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall on November 25, 2019, at 5:30 p.m. CDT.

ROLL CALL

Commissioners Present: Boehm, Klemisch, Klein, Knoll, Leingang, Renner, Frank, Camisa, Vayda, Robinson

Commissioners Absent: Helbling, Liepitz

Commissioner Frank motions to approve the October 28, 2019 minutes. Commissioner Camisa seconds. Upon vote, the motion passes unanimously.

PUBLIC HEARINGS

1. A request from Val Renner and Janet Dykshoorn for final plat approval of Evergreen Heights Third Addition. Said property is part of Lot B of Auditor's Subdivision and Lot 1, Block 1, Evergreen Heights in the SW1/4 of Section 35, Township 139N, Range 81W. The property is located on the west side of Highway 1806 S.

A. Staff report

John Van Dyke, city planner, presents.

Val Renner and Janet Dykshoorn are seeking to plat their property near 19th St. SE and S. 1806 for the purposes of commercial development. The subject property completed an annexation, preliminary plat, zone change to CA – Neighborhood Commercial, and masterplan subdivision review. The final plat totals 4.04 acres.

The preliminary plat was conditioned upon the vacation of an approach that would serve proposed Lot 3, Block 1 and a ten (10) foot utilities easement along 1806 S (See Exhibit 1). Both are addressed through the plat via easement and non-access line as seen in the final plat (See Exhibit 2).

Staff recommends an application for vacation to North Dakota Department of Transportation be filed as a condition of approval of the final plat and a plat note outlining this condition to be placed on the final plat prior to presentation to the Board of City Commissioners.

The final plat is found to meet the standards outlined in Sec. 109-2-6 (c) and the conditions placed upon the preliminary plat by the Board of City Commissioners.

Staff is recommending approval of the final plat as presented in Exhibit 2, subject to the condition outlined in Exhibit 3.

No comments from other departments were received regarding this final plat.

Engineering and Planning include one (1) condition as part of the final plat shown in Exhibit 3.

Engineering and Planning recommend to approve the request for final plat as presented in Exhibit 2 subject to the condition outlined in Exhibit 3.

Chair Robinson asks John if the NDDOT has been consulted. John says they have.

Commissioner Camisa would like to see a more explicit dedication statement to the public for utility easements. John says he will work the applicant on the language for that.

B. Open public hearing

There are no comments or questions.

C. Close public hearing

D. Commission action.

Commissioner Camisa motions to recommend approval of the final plat. Commissioner Klein seconds. Upon vote, the motion passes unanimously.

OTHER BUSINESS

1. Update on zoning application procedures and zoning ordinance workgroup.

The attached in Exhibit 1 contains a preliminary DRAFT code changes that would consolidate the various zoning application procedures into one location within the Zoning Chapter of the Mandan Code of Ordinances (MCO).

Presently, the full procedures are in many different places and to determine how to apply and what to expect through the process is unnecessarily difficult.

The proposed amendment is to ensure the application is clear to both staff and applicants.

Staff is asking Planning and Zoning Commission to review between now and the next meeting and to provide feedback on the information contained within this preliminary DRAFT ordinance amendment.

Staff intends to revise or address feedback received and present this amendment at the January 27, 2020 Planning and Zoning meeting.

Commissioner Frank thinks the questions on page 6 could be more open ended. Applicants will be more likely to answer yes or no and not provide details. John says it is required they provide explanations and it would be an incomplete application.

Commissioner Frank asks who will determine what is a natural, scenic, or historic feature that is important to the community as stated on page 8, letter f. John says that was taken from what is required for conditional or special use permits already. The Planning & Zoning Commission would be who determines. Commissioner Frank thinks it would be better to have it meet some kind of criteria. John says some of this language is taken from what was already in the ordinance. He can work on the language with the city attorney and now is the time to look at it, if anybody sees anything else in this ordinance.

Commissioner Frank questions if 6h on page 8 is necessary.

John invites volunteers to consider serving on the Appeals Board. It is a relatively new board with 5 seats. There is 1 person on the board with 4 positions to fill.

Commissioner Leingang motions to adjourn. Commissioner Knoll seconds. Motion passes unanimously.

Meeting adjourns at 5:56 p.m.

NEW BUSINESS # 1

NEW BUSINESS # 1

Mandan Planning and Zoning Commission Agenda Item NB1
 For Meeting on December 18
 Mandan Engineering and Planning Office Report
Lot 2, Block 2, Diane's 1st Addition
 Requested Action
Front Setback Variance

| Application Details | | | | |
|------------------------------------|---|---|--|------------------------------------|
| Applicant | Owner | Subdivision | Legal Description | |
| Travis & Calantha Kerzman | Travis & Calantha Kerzman | Diane's 1 st Addition | Lot 2, Block 2, Diane's 1 st Addition | |
| Location 813 John's Drive NE | | Proposed Land Use Residential Accessibility Ramp | Parcel Size 0.19 acres | Number of Lots 1 |
| Existing Land Use Residential | Adjacent Land Uses Residential | | Current Zoning R-7 Residential | Proposed Zoning R-7 Residential |
| Adjacent Zoning R-7 Residential | Legal Notices Published Will be published December 23, 2019 (scheduled) for January 7, 2020 City Commission Public Hearing | | | |
| Fees \$400 | Date Paid 12/9/2019 | Adjacent Property Notification Sent December 6, 2019 | | |

Project Description

Mr. and Mrs. Kerzman are seeking a variance to the front setback from twenty (20) feet to nine (9) feet to install an accessibility ramp. The residence as constructed and lot topography prohibit alternative construction of the ramp. The applicant has provided pictures and a sketch of the ramp to be constructed with their application, if the variance is approved (See Exhibit 1).

Below are the requirements under the Mandan Code of Ordinances in granting a variance.

Variance may be granted under the following circumstances (See Sec. 105-1-12):

- 1. There are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this chapter, whether in violation of the provisions of the chapter, or not;*

The attached garage for the dwelling resides at a different elevation than the main floor for which the ramp is desired. Locating the ramp within the garage would therefore provide no benefit to the applicant. Further, the sloping topography would require substantial excavation and create additional storm water runoff issues that would need to be addressed if the ramp were installed running parallel to the street.

2. For reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant;

As noted previously, the existing dwelling construction coupled with the topography of the land creates a unique circumstance that does not apply to every building or property individually. A strict application of the front setback would require a substantial excavation resulting in additional storm water mitigation measures.

3. The grant of the variance will be in harmony with the general purposes and intent of this chapter, and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The granting of the variance will be in harmony and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Agency & Other Department Comments

No comments were received.

Engineering & Planning Recommendation

Engineering and Planning recommend approval of the variance to the front setback from 20' to 9' for the purposes of accessibility ramp construction based on the findings in Exhibit 2.

Proposed Motion

I move to recommend approval of the variance to the front setback from 20' to 9' for the purposes of accessibility ramp construction based on the findings in Exhibit 2.

List of Exhibits:

Exhibit 1 – Application Docs

Exhibit 2 – Findings

EXHIBIT 1

| CITY OF MANDAN | |
|--|--|
| Development Review Application | |
| Minor Plat (\$300) | Zone Change (\$600) <input type="checkbox"/> |
| Preliminary Plat up to 20 acres (\$350) | Planned Unit Development (\$700) |
| Preliminary Plat more than 20 acres (\$400) | Zone Change with Minor Plat (\$400) |
| Final Plat up to 20 lots (\$350) | Vacation (\$500) |
| Final Plat 21 to 40 lots (\$475) | <input checked="" type="checkbox"/> Variance (\$400) |
| Final Plat more than 40 lots (\$700) | Special Use Permit (\$450) |
| Annexation (\$450) | Stormwater submittal (\$300) |
| Annexation with Minor Plat (\$200) | Stormwater 2 nd & subsequent resubmittal (\$50) |
| Summary of Request <i>Ramp in front of House Material: Azek Decking 100% PVC and Royal Aluminum Railing All Maintenance Free</i> | |

| Engineer/Surveyor | | | Property Owner or Applicant | | |
|---|-------|-----|---------------------------------------|-----------|--------------|
| Name | | | Name | | |
| | | | <i>Travis & Calantha Kerzmann</i> | | |
| Address | | | Address | | |
| | | | <i>813 Johns Drive</i> | | |
| City | State | Zip | City | State | Zip |
| | | | <i>MANDAN</i> | <i>ND</i> | <i>58551</i> |
| email | | | email | | |
| | | | <i>tkerzmann@hotmail.com</i> | | |
| Phone | Fax | | Phone | Fax | |
| | | | <i>701-595-1144</i> | | |
| 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 | |
|------------------|--------------------|---------|-------------|-----------------------|---------------------|------------------|--|
| City | ETA | New | Addition | | | | |
| Property Address | | | | Legal Description | | | |
| | | | | <i>Lot 2, Block 2</i> | | | |
| Current Use | | | | <i>Dianes 1st</i> | | | |
| Proposed Use | | | | | | | |
| | | | | Section <i>27</i> | Township <i>139</i> | Range <i>81</i> | |
| Parcel Size | Building Footprint | Stories | Building SF | Required Parking | | Provided Parking | |
| | | | | | | | |

| | | |
|--------------------------------------|-------------------------------------|-------------------------|
| Print Name <i>Travis Kerzmann</i> | Signature <i>Travis Kerzmann</i> | Date <i>11-15-19</i> |
|--------------------------------------|-------------------------------------|-------------------------|

| Office Use Only | | | |
|-----------------------------------|---------------------------|-------------------------|------------------------|
| Date Received: | Initials: <i>KF</i> | Fees Paid: <i>\$400</i> | Date <i>11-15-2019</i> |
| Notice in paper | Mailed to neighbors | P&Z meeting | |
| <input type="checkbox"/> Approved | Approved with conditions: | | |
| <input type="checkbox"/> Denied | | | |

Updated 1/1/2019

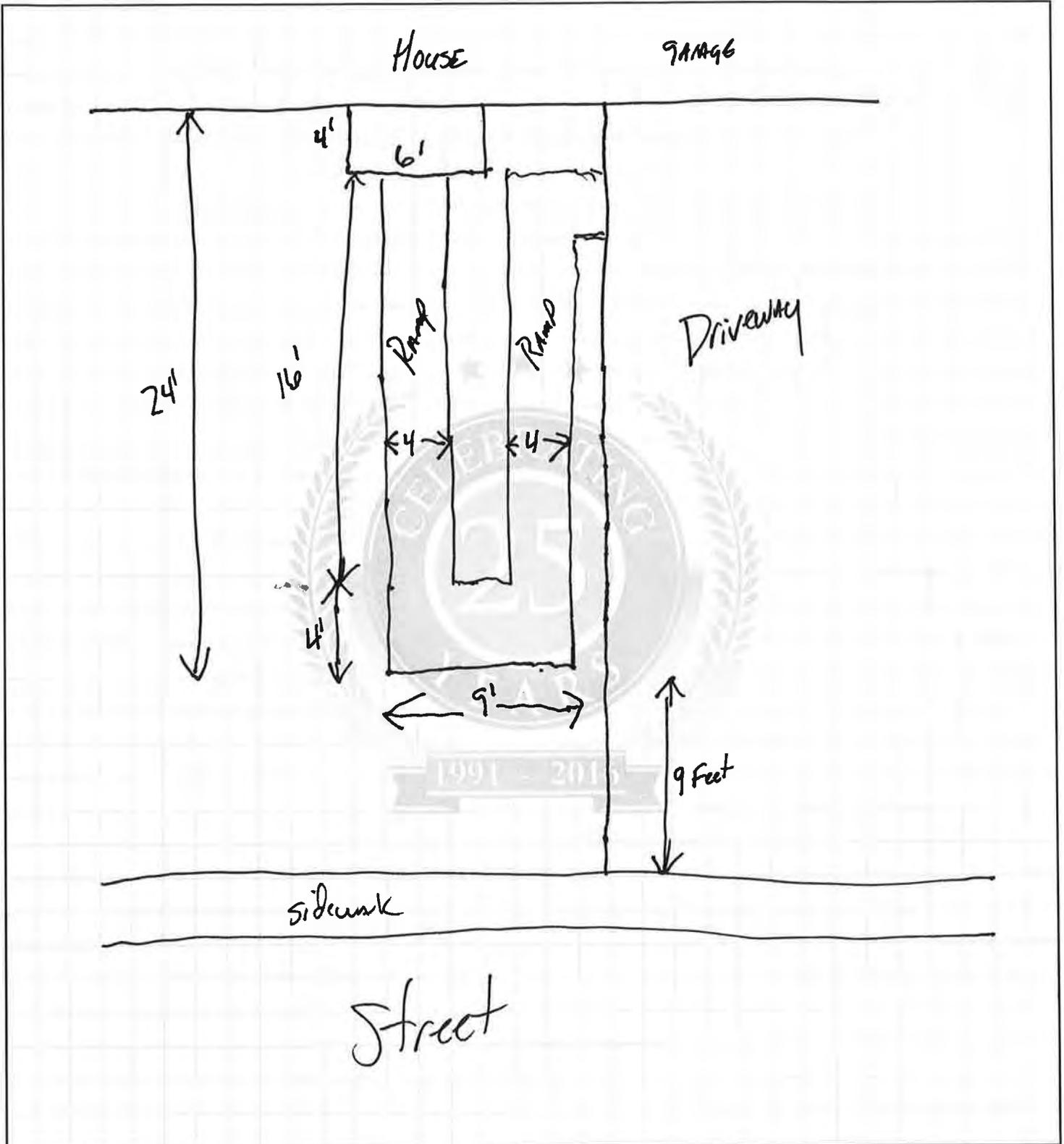
N:\PLANNING & ZONING\Development Application - January 2019.docx



DATE: 11-15-19

PROJECT: Travis Kerzmann

SUNROOMS | PATIO COVERS | WINDOWS | RAILING SYSTEMS | ALUMINUM DECKING | SUNSHADES



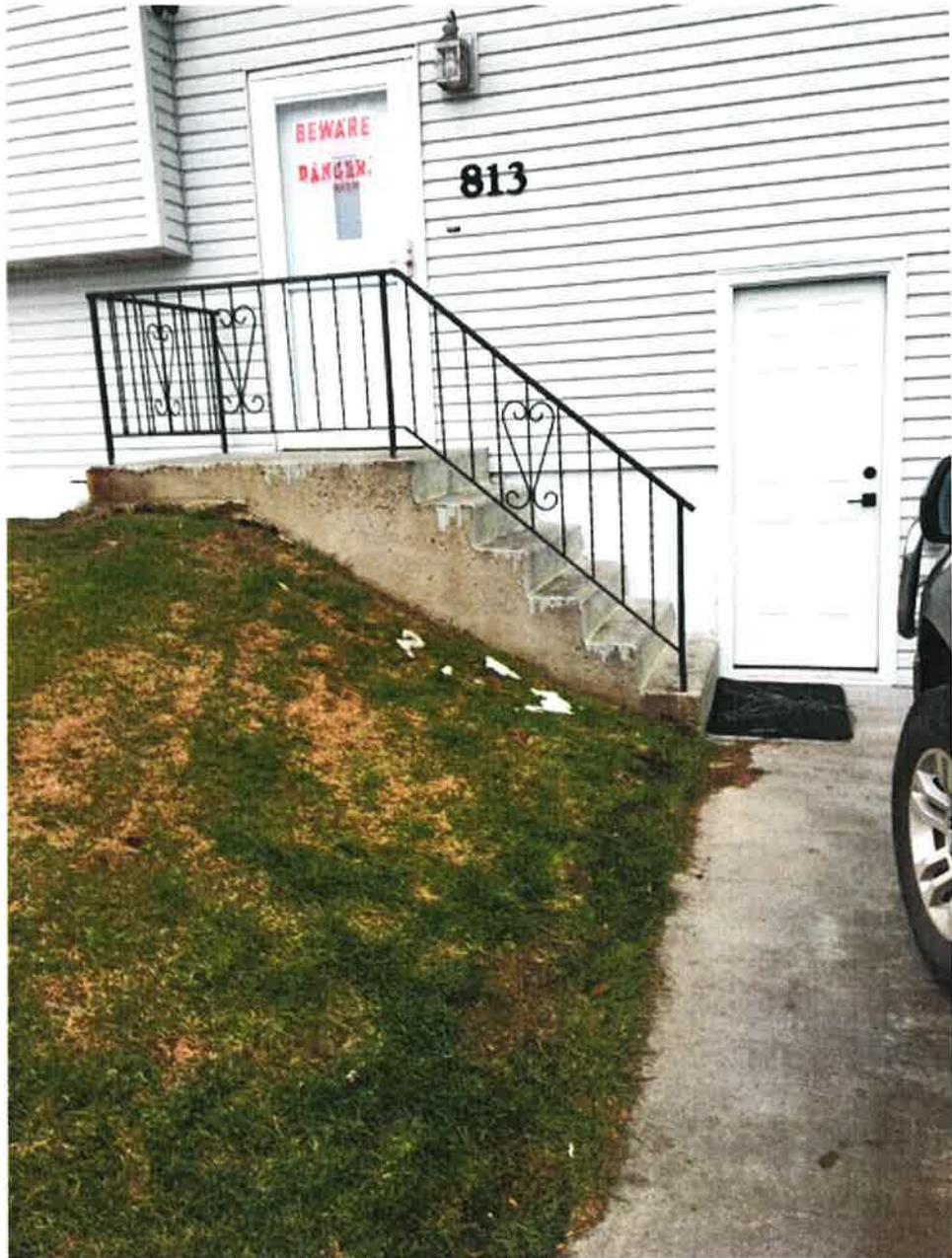








EXHIBIT 2

FINDINGS

- The attached garage for the dwelling resides at a different elevation than the main floor for which the ramp is desired. Locating the ramp within the garage would therefore provide no benefit to the applicant.
- Sloping topography would require substantial excavation, creating additional storm water runoff issues that would need to be mitigated if the ramp were installed running parallel to the street.
- The grant of the variance will be in harmony with the general purposes and intent of this chapter, and not be injurious to the neighborhood or otherwise detrimental to the public welfare.