

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
December 18, 2019

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall on December 18, 2019, at 5:30 p.m. CDT.

ROLL CALL

Commissioners Present: Boehm, Knoll, Helbling, Leingang, Liepitz, Renner, Camisa, Vayda, Robinson

Commissioners Absent: Klemisch, Klein, Frank

Commissioner Leingang motions to approve the November 25, 2019 minutes. Commissioner Camisa seconds. Upon vote, the motion passes unanimously.

PUBLIC HEARINGS

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

John Van Dyke, city planner, presents. 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.

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.

B. Open public hearing

Mayor Helbling would like the \$400 variance fee refunded to the home owner. Other commissioners agree.

A representative from Leingang Home Center is in attendance. They will be building the ramp. The rep will make sure the home owner is credited the \$400.

C. Close public hearing

D. Commission action.

Commissioner Leingang motions to recommend approval of the setback variance and to refund the \$400 variance fee. Commissioner Camisa seconds. Upon vote, the motion passes unanimously.

OTHER BUSINESS

1. Appointment of Chair, Vice Chair and Secretary.

Commissioner Knoll motions to appoint Bill Robinson to Chair, Karl Liepitz to Vice Chair, and Nancy Moser to Secretary. Commissioner Leingang seconds. Upon vote, the motion passes unanimously.

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)**

Commissioner Camisa motions to schedule the meeting dates as shown with changes to May 27 and December 28. Commissioner Knoll seconds. Upon vote, the motion passes unanimously.

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

Meeting adjourns at 5:41 p.m.