

**Board of Adjustment
4-9-21**

Members present: Paul Gutschmidt, Doug Mohr, Dave Steffan, Al Freidig, Chris Wahl.

Other present: Mark Lange (staff), Steven Zimmer (City planning consultant), Alissa Ziebart, Beth Saylor (board member original shelter), Ryan Hanson (chairman Amachi), Brenda Bergsrud (director Amachi), Beau Cummings (states attorney), Melandie Deplazes (director SAAF), Beckie Person, Lorinda Leben.

Doug called the meeting to order. Al made a motion to approve the minutes of the 11-19-20 meeting. Motion 2nd by Chris. Carried.

An application for a special use permit has been submitted for an emergency homeless shelter at 512 4th St NE. Any time there is a request for a use that is not covered in zoning regulations, it would be dealt with as a special use. The current zoning of the building is Central Area Commercial and there is currently no definition of an allowable use or conditional use that would fit the description of a homeless shelter.

Originally a homeless shelter was located at the Hope Center on 3rd St NE from May 2016 until just recently. The homeless center was operated mostly by volunteers and clients were able to stay at the shelter from 7:00 pm to 7:00 am only. There were changes made in the policies of the Hope Center and the space allowed for the homeless shelter is now incorporated into the Hope Center operations.

Mark said Amachi Mentoring has submitted a request to utilize the building at 512 4th St NE as a homeless shelter that would provide services for job skills, counseling, etc and would house a maximum of 12 people at one time. They have looked at a number of sites, including single family homes that just did not meet the requirements of a shelter. The building at 512 4th St would meet the needs of a shelter once the building meets building codes (i.e bathrooms, windows, etc). The alley access would be used since the area of the building being used is closer to the alley entrance.

Doug asked if this request would need to go through this meeting no matter where the site is, and was told by Mark that it would.

Steven Zimmer (Zimmer) said a special use is actually a variance to a permitted use and any special use requests would come to the Board of Adjustment.

Brenda Bergsrud (Bergsrud) said the Amachi Mentoring program has been hired by the original homeless shelter board to provide oversight for those that are in need of temporary housing. Right now those who are in need of housing are being put in motels and it is not an ideal situation because there is no supervision or accountability.

Zimmer stated Shawnel Willer from the ND Continuum of Care in Bismarck said homelessness is a big issue in North Dakota. The homeless are already in Devils Lake; providing a homeless

shelter is not going to bring in additional homeless people, just provide for the ones already here. Reportedly, there are 70 homeless people in the Lake Region at this time.

Bergsrud said the operating plan for this shelter is considerably different than that of the shelter that was located in the Hope Center. This shelter would assist clients with life skills such as filling out housing and job applications, getting necessary counseling and treatments. She said to be a resident of the proposed shelter the person must be sober – no alcohol or drugs – and 24 hour oversight from staff will be provided. Trained staff will be on site 24 hours a day.

Al asked how many staff will be available at the shelter and was told by Bergsrud that the number of staff would depend on how many people are housed at the shelter at any given time.

Paul asked if there were intentions to expand the shelter and allow more people to be housed. Bergsrud replied that there would be room to expand to a maximum of 16 people at the proposed site, but their program would never consider overseeing 70 homeless clients in one shelter.

Zimmer stated the proposed homeless program is the only homeless program in the state like it and it's smart to start on a small scale. 70 people living in one shelter in the downtown would not be reasonable.

Bergsrud said they would also work with people coming out of treatment programs and have no place to stay. They could stay for up to 30 days and get assistance with the process to get a place to live and a job. The shelter is not just a place to come and stay without making an effort to get back in a home and the job market.

Doug asked if a special use permit were approved, could the Board of Adjustment revoke the permit if the shelter is not meeting expectations? He was told by Steven that stipulations could be added to any permit and believed the City could revoke any permit that is not followed.

Dave wanted to know what would happen if a different group took over the shelter in the future and they have completely different policies than Amachi. Mark told him the special use would apply unless the use would be different. A different use would require coming back to the Board. The Board could put a limit on the number of residents and if there was a request for expansion, they could come back to the Board with that request.

Bergsrud again said they would never be able to handle groups as large as 70.

Al stated 5-6 downtown business people have spoken with him and they do not have any interest in having this shelter in the downtown area. They have just invested large amounts of money in making the downtown beautiful and feel this is not the place for a shelter. Use of this building for a shelter would also take away the potential of using the space for a retail business.

Beth Sayler (Sayler) was directly involved with the previous homeless shelter and said all the staff were volunteers. The City and County provided funds for residents to stay overnight only, and until the shelter opened again in the evening, they would have to find a different place to be. She said the shelter proposed by Amachi is completely different and their program works. There

is accountability for anyone staying at the shelter and unless the person is leaving for events related to a job, counseling or other services, they stay in the shelter. Bergsrud's staff will all be trained and there will be 24 hour supervision at the shelter. Sayler asked the Board to give Amachi a chance for a successful program.

Paul asked when adjacent property owners would be notified of the request for a shelter.

Zimmer said zoning regulations state a requirement to notify owners within 150' for any permanent changes such as zoning. This request did not fall under the requirements to notify surrounding property owners. Public hearings to review any requests are published in the newspaper.

Ryan Hanson (Hanson) stated he was the chairman of the Amachi program and inquired how the homeless shelter got approved back in 2016 and was informed by AI that it was approved by the City Commission as an emergency situation.

Melandie Deplazes (Deplazes) is director of the SAAF program and said she is in favor of the shelter and was OK with the location. She stated she was worried about the intake process that would be used at the shelter. The shelter would be following all the guidelines required for federal/state funding.

Bergsrud felt the location was a good choice because it's close to the train service and is within walking distance of any job in the downtown. The doors in the alley will be used for access to the shelter.

Beckie Person (Person) asked if we were talking about two different shelters.

Bergsrud said they are working under the same purpose.

Sayler clarified one shelter is for victims of abuse and one shelter is for homeless. Both shelters are working together to be a part of Region 3 Homeless Coalition.

Doug asked for a motion to approve the request for a special use permit to allow a homeless shelter at 512 4th St NE. He stated if the permit does not get approved, the subject will die for a lack of approval.

Dave asked if other cities have been contacted about how they handle this situation and was told by Zimmer that all bigger cities have a shelter in the downtown because most of the services are close and it minimizes transportation concerns to get to those services.

Paul asked if the homeless shelter was a topic on the Planning Commission agenda recently and was informed by Mark the Planning Commission agenda item was discussion on possibly amending a definition to the city's zoning regulations for boarding houses and group homes. The potential for a homeless shelter spurred the discussion for a definition of a homeless shelter and it was determined it would fall under a request for a special use permit from the Board of

Adjustment. Mark stated the City was being very careful to take the right steps in this process since it's not your typical request.

Paul suggested tabling the request and contacting surrounding owners for input.

Doug asked for a motion to approve the special use request.

Dave made a motion to approve the request for a special use permit to allow a homeless shelter at 512 4th St NE with a maximum of 12 occupancy at any given time. Motion 2nd by Paul. Paul felt the motion should include a provision to contact surrounding property owners.

Dave amended his motion to approve the request for a special use permit to allow a homeless shelter at 512 4th St NE with a maximum of 12 occupancy at any given time, contingent on contacting property owners within 150 feet for approval, with 75% or more of the owner approval required. Motion 2nd by Paul. On roll call vote: Al: nay; Dave: aye; Paul; aye; Chris: aye; Doug: aye. Motion carried.

Al stated he voted against the motion because his discussions with downtown property owners raised concerns about the business owners not being consulted about the request prior to this hearing. He felt very strongly that decisions like this should be made by City Commission elected officials rather than an appointed Board.

Meeting adjourned.

Respectfully submitted,

Helen Carlson Recording Secretary