



BOARD OF ADJUSTMENT MEETING - RESCHEDULED MINUTES

Tuesday, November 12, 2024 at 7:30 AM
City Hall – 38 1st Street West Dickinson, ND 58601

Commissioners:

Chairman: Shawn Soehren
Vice Chairman: Trevor Ernst
Troy Bosch Pat
Bren
Bruce Burke

CALL TO ORDER

ROLL CALL

OPENING CEREMONIES:

Pledge of Allegiance

1. STANDARD MOTIONS

A. September 2024 Meeting Minutes

Motion made by Bren, Seconded by Bosch.

Voting Yea: Ernst, Bren, Burke, Soehren, Bosch

2. REGULAR AGENDA:

A. 587 South Main

-To Reduce required lot width of 60 Feet on a R1 zone lot to 50 Feet

-To increase the maximum impervious coverage of 50% on a R1 zoned lot to 55%

1. Reduce lot width of 60 Feet on a R1 zone lot to 50 Feet

Cody Olson, in the audience on behalf of his mother Darlene Olson. Building Official Leonard Schwindt stated that the lot split is being done through The City of Dickinson. The width has been 50 for some time. The applicant wants to create two separate lots. Chairman Shawn Soehren asked if the board members have any questions. Board member Troy Bosch asked if the lot beside is about the same size as this lot. Mr. Schwindt stated yes. There has been no calls in opposition about this variance.

Motion made by Bosch, Seconded by Bren.

Voting Yea: Ernst, Bren, Burke, Soehren, Bosch

2. -To increase the maximum impervious coverage of 50% on a R1 zoned lot to 55%.

Chairman Shawn Soehren asked if this happened because they split the lot.

Building official stated that that is correct.

Motion made by Bren, Seconded by Ernst.

Voting Yea: Ernst, Bren, Burke, Soehren, Bosch

B. 3650 115G Avenue SW

- To request to reduce a manufactured home required minimum width of 20 feet to 18 feet on an AG zoned lot.

Kori and Brandon Stockie are in the audience to discuss their property at 3650 115G Avenue SW.

Chairman Shawn Soehren asked what they are moving in, for the public to understand what that variance is for.

Mrs. Stockie stated they are putting a manufactured home on a 180 acres of their land.

Building Official Leonard Schwindt stated outside of a mobile home park the structure has to be 20 feet wide and this trailer is 18 feet wide per municipal code.

Board Member Troy Bosch stated that the Stockies contacted the county instead of The City. It was a miscommunication on what they had to do.

Mr. Schwindt stated that this falls within the City Jurisdiction, about a year ago it would have been the County.

Board Member Pat Bren asked how long this has been sitting on the property.

Mrs. Stockie replied with about 2 months maybe.

Mr. Schwindt stated that the City received a call from a neighboring property that is how we found out about this mobile home.

Troy Huber, speaking for Evalyn Huber, and Reuben Orth (Jay) from the audience came up to speak on the property.

Mr. Huber stated his parents had a trailer and they were told it strictly had to be manufactured home. He stated that everyone else has to follow the rules.

Mr. Orth stated that looking out on his property to see a mobile home, is going to hurt his property value. The codes are in place for a reason, and property values of the houses nearby is one of them. He showed a picture of the structure and the structure has a hole in roof. They do not have a contractor in place, it will take down the neighborhood. Mr. Orth stated that there are other problems that he is concerned with. He approached the Board members with pictures of the mobile home. Mr. Orth stated that there are cattle also that get out on a day to day basis leaving cow pies every where. His problem is that there is not a contractor in place so things are not being done properly. This will hurt everyone's property.

Mrs. Evalyn Huber approached the board from the audience and stated that she had to do a bunch of paper work and was told a trailer could not be moved onto the property. Building Inspector Blaine Dukart stated there were different inspectors working for the City when Evalyn Huber put in a permit. There were miscommunications but the requirements have always been there.

Board Member Troy Bosch asked if there are different codes for manufactured homes and mobile home/trailer.

Mr. Dukart stated as long as its put on permanent foundation you can have a modular or mobile home. This is part of the requirement that needs to be met.

Mr. Orth stated that he has a bunch of qualifications and there is no similarities that make a modular home a manufactured home.

Mrs. Stockie stated that they are planning to reside in this building but plan to remodel this and make it look nice. This home is now on post and piers. She stated they want to reside it, reroof if. With the stop work order, the contractor had to stop working on it. The post and piers have been inspected by Inspector Blaine Dukart.

Board Member Trevor Ernst asked if most of the issues they are stating are issues that need to be worked out before the permit is granted. As far as setbacks and final foundation, the variance is for the width of the structure.

Mr. Schwindt agreed. He stated they are doing what they need to with the state permitting and with the City.

Mr. Orth stated that this is for the future and these codes are put in place to protect the people around.

Mr. Stockie approached the bench and stated that they own the land and it goes all the way to the interstate. He approached the Board Members to show them pictures of the land. He stated that the land they own is not going to be developed, they bought it for their family and AG use specifically.

Mr. Orth stated that you cannot just move on to an AG property without having at least 50% of your income come from farming. You cannot use this for farm exemption. There is an income level where you have to make in order to claim farming.

Mr. Schwindt stated that this is City's jurisdiction so we do not have these type of exemptions.

Mr. Orth stated that the point of a variance is to have neighbors speak on it as well, and there are no neighbors in favor of this structure being on the property. Mr. Soehren asked if the structure will meet all the requirements that the City would require.

Mr. Schwindt stated that you would have to meet requirements for the permit before the CO is generated.

Mr. Huber stated, not only is the width of the trailer part of the problem but there are other things that need to be taken into consideration.

Mr. Soehren stated that everything is still being discussed.

Mr. Schwindt stated the County would let the mobile home be allowed. But mobile homes have to be up to code with the Cities Municipal Code. .

Mr. Dukart stated a mobile home outside of a mobile park reverts to an R3 standard. The one requirement is the 20 foot standard, which we are looking at right now. All the parts of it has to comply with code. A mobile home can be set out there. Mr. Schwindt stated that there have been plenty of meetings, the applicants were trying to do what was right. The applicant is here today to prove a hardship. Mr. Orth states that if we are talking about hardships, the land owners have a home for \$620,000 and that land was about \$500,000 to \$600,000.00. He does not think this is a hardship.

Kori Stockie stated that what they make is no ones business on what they make or what they are selling their land for. Part of the reason they want to put this mobile home on their land is to have their adult daughter keep an eye out so there is no trespassing on our property. She stated that she does not want to have property

where it is an eye sore, they are doing everything they can to have nice property and know what they can and cannot do.

Board Member Bruce Burke asked if there was a difference in our code between a manufactured home and a mobile home besides the size?

Mr. Dukart stated according to our municipal code if you move the mobile home outside a mobile home park it is considered a manufactured home and has to meet the R-3 standard.

Jay stated that he has owned the property for 13 years and in his document stated that he has access across their land to get to his property. He stated she should put that home further back so no one has to look at it.

Mr. Huber mentioned that if this is a hardship, his mothers case should be a hardship because they spent numerous amount of money on something they could have got away with.

Attorney Christina Wenko stated that we need to keep this issue to the board about the variance. Trespassing and things like that are not this Boards priority.

Attorney Wenko read what the definition of the difference between mobile home and manufactured home from chapter 39.

Mr. Ernst asked if the two-foot addition is the main reason they are here?

Mr. Schwindt states that is the reason we are here.

Chairman asked if there are any other comments from the audience?

Motion made by Bosch, Seconded by Ernst.

Voting Yea: Ernst, Soehren, Bosch

Voting Nay: Bren, Burke

3. OTHER BUSINESS

4. ADJOURNMENT

Motion made by Bren, Seconded by Ernst.

Link for viewing Board of Adjustment Meeting:

<https://www.dickinsongov.com/meetings>

This link will not be live until approximately 7:30 AM MT, November 12, 2024.

Teams Meeting: <https://tinyurl.com/BOA-11-12-2024-Teams>

Team Meeting ID: 251 208 102 85

Meeting Passcode: LN7JKm

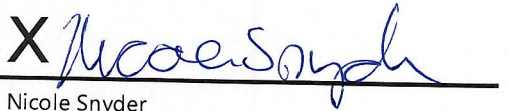
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Phone Conference ID: 496 027 261#

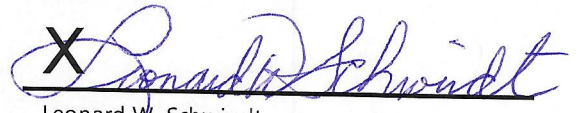
Local Phone #: 701-456-7006

Persons desiring to attend the meeting who require special accommodations are asked to contact the City Administrator by the Friday preceding the meeting.

Prepared By:

X 
Nicole Snyder

Approved By:

X 
Leonard W. Schwindt