



## BOARD OF ADJUSTMENT MEETING MINUTES

Monday, July 10, 2023 at 7:30 AM  
City Hall – 38 1st Street West Dickinson, ND 58601

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### Commissioners:

**Chairman:** Larry Bares

**Vice Chairman:** Pat Bren

Trevor Ernst

Bruce Burke

Shawn Soehren

### **CALL TO ORDER**

### **ROLL CALL**

#### **PRESENT**

Larry Bares

Trevor Ernst

Bruce Burke

Shawn Soehren

#### **ABSENT**

Pat Bren

### **OPENING CEREMONIES:**

#### **1. STANDARD MOTIONS**

- A. June 12, 2023 Meeting Minutes Submitted for approval.

Motion to approve June 12, 2023 Meeting Minutes as presented.

#### **2. REGULAR AGENDA:**

- A. To exceed the maximum square footage of a detached structure on a RR zoned lot by 400 square feet. (1200 to 1600)

Mr. Chairman asks for motion to remove this item from the table.

Motion to remove from the table: Trevor Ernst. Seconded by: Bruce Burke

Mr. Reindel is asking to build a 40x40 shed along the south side next to the existing garage. Mr. Burke is wondering if any neighbors were opposed to this shed being

built. Mr. Schwindt says there has not been any calls regarding this property being built.

Mr. Ernst stated that if they do approve this structure we ask that no more structures were built on this lot, permitted or non-permitted. Mr. Reindel agrees to this request. Mr. Chairman opened the public hearing.

Motion made by Ernst, Seconded by Burke.

Voting Yea: Bares, Ernst, Burke, Soehren

- B. Variance request to build an attached structure that will create a larger amount of square footage than current living space

Mr. Schwindt explains that the request is to exceed the maximum height of the attached accessory structure by 4 feet. Mr. Chairman asks if the square footage is a problem and Mr. Schwindt says it is not. Mr. Chairman clarifies to see if anyone is in the audience to speak on this variance. There was no one to speak on this structure being built. Mr. Burke wants to know if The City has any recommendations on this property being built. Mr. Schwindt says that if you look at houses that are built recently most of the garages are taller than the house but the way the trusses are designed, everything is implemented into the design of the home. You do not see the elevation change because the trusses make up the difference. He explains in this circumstance the attached garage will be visibly built where you will see that the garage is taller than the house, you will see that separation. Part of the city zoning is part of the aesthetics and how things look and how they fit in with the neighborhood. Burke is curious, if this was a whole new building would this structure being built be acceptable. Mr. Schwindt also says that they would have to come in front of the Board of Adjustments to get it approved. Mr. Schwindt really does think this is aesthetics. Mr. Schwindt explains if it met the setbacks we would not be in front of the Board of Adjustments. Mr. Schwindt says there are no complaints from the neighbors or the public. Mr. Ernst is wondering if there are any other structures that are like this. Mr. Reindel, from the audience, says there are a few south of his house. Mr. Schwindt says if there were living quarters above the house, they would not be in front of the Board of Adjustments. This applicant wants to put a room up there but it is not habitable because you leave through the garage door, there is no way to get into the house from the room built. Mr. Schwindt does not remember any variances like this that have come through the board, approved or denied. Mr. Chairman agreed. Mr. Soehren wants to know if this was not attached to the house is the elevation the same even though it is setback from

property lines it can change the sidewall heights but can it still not be taller than the primary structure? If it was not attached would we be here? Mr. Schwindt says we would not be here. He says for every two feet beyond that three feet you get a foot in height. The height applies to detached structures. Mr. Schwindt makes a comment that the applicant is not here today but the applicant did make comments about add onto the house and running the roof line into the addition. Mr. Ernst is curious to see what Mr. Bren would say as he is more of the attached/detached garage gentlemen but he is not sure how everyone else is feeling. Mr. Burke is wondering if this is approved if the City would recommend some kind of fire protection and Mr. Schwindt says it would be mandated. Mr. Burke is wondering if there is an overall height restriction on residential? Mr. Schwindt replies with a yes, generally it is 30 feet. Mr. Chairman wants to clarify that that is not a problem than and Mr. Schwindt agrees. Mr. Chairman wants again to clarify that the issue is that the garage is slightly taller than the house. Mr. Chairman says in the pictures it looks like the house comes directly under the eve of the garage. Mr. Schwindt says once he submits for a building permit those drawings would be more apparent. Mr. Soehren is curious if the variance is only for the height and once the variance is approved if we still have to wait to see the setbacks of the property and Mr. Schwindt says correct, the variance is only for the height. Mr. Soehren says that they could build the addition four foot higher on the southside and it would be okay and they would not have to go through all these hurdles. Mr. Skluzacek says we would have to take a whole look of the subdivision and zoning ordinance. Changes have been made so some things need to be updated for today's expectations. Mr. Burke thinks it looks good but the precedence we would be setting by approving this. Mr. Chairman and Mr. Ernst agrees. Mr. Schwindt says that with the updated code this would probably go away. With the research they did with the building codes backing up with the structure they cannot come up with any other reason besides the aesthetics. Mr. Ernst is wondering if when they built the house if they had the garage height on the house if it was built like this originally would this still be an issue. If the roof line was still not the same height as the garage or is it part of the house. Mr. Schwindt says we would consider that as the roof line. If this project came into us as the roofline is higher than the house we would still be here. Generally, we allow if the trusses are with the common roof line. Mr. Burke is wondering the size of the lot and Mr. Reindel says .94 acres. Mr. Schwindt says one more thing to

consider is the septic tanks that can be an issue. Mr. Chairman opened this up to the public. Mr. Chairman wants to know if there was a code change this would be accepted. Mr. Schwindt says if these changes we would have to go through those steps and Mr. Skluzacek says that that would have to be adopted through the planning and zoning.

Motion made by Burke, Seconded by Soehren.

Voting Yea: Bares, Ernst, Burke, Soehren

- C. To exceed the maximum square footage of a detached structure on a MH zoned lot by 420 sq ft (1200 sq ft to 1620 sq ft)

Mr. Potoroff says he has an acre lot north of Dickinson and he wants to put 14x30 lean too on the side of his existing garage, so he can put his boat under it. Mr. Potoroff says it is not seen from the road. Mr. Potoroff says there are many other buildings that are built way bigger than the one he wants. Mr. Bares is wondering if it is attached and Mr. Potoroff says that it would be detached. Mr. Chairman is wondering if there have been comments from any neighbors. Mr. Schwindt says no comments were made. Mr. Schwindt says there are many similar projects in this subdivision. Mr. Ernst says we cannot have any more permitted or unpermitted buildings if this is approved. Mr. Chairman opened the public for hearing. Mr. Ernst made the first motion with the condition that can be no more permitted or unpermitted buildings built on this property.

Motion made by Ernst, Seconded by Soehren.

Voting Yea: Bares, Ernst, Burke, Soehren

### **3. OTHER BUSINESS**

Mr. Bares has been part of Board adjustments since 1978 so if anyone is interested in taking his position he is open to it. He does not want to resign until someone takes his spot.

### **4. ADJOURNMENT**

**Link for viewing Board of Adjustment Meeting:**

**This link will not be live until approximately 7:30 AM MT.**

**Meeting Packet:** <https://tinyurl.com/BOA-07-10-2023-Packet>

**Stream Link:** <https://tinyurl.com/BOA-07-10-2023-Stream>

**Teams Meeting:** <https://tinyurl.com/BOA-07-10-2023-Teams>

**Meeting ID:** 282 409 408 805

**Meeting Passcode:** 68K5Tr

**Teams Phone #:** +1 701-506-0320

**Phone Conference ID:** 535 953 017#

**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.***