



BOARD OF ADJUSTMENT MEETING AGENDA

Monday, January 12, 2026 at 7:30 AM MT
City Hall – 38 1st Street West Dickinson, ND 58601

Board Members:

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. NOVEMBER 2025 MINUTES

2. REGULAR AGENDA

A. 11478 34Y STREET SW

Variance request to reduce the front yard setback on a MH zoned lot from the required 25 feet to 18.2 feet located at 11478 34Y Street SW - L 7 B 4 LUTZ 4TH 25-140-97 LOT 235 X 190.

B. 1141, 1197, 1257 23RD STREET W

Variance request to reduce the landscape depth on a R3 zoned lot from the required 15 feet to 0 feet located at 1141, 1197, 1257 23rd Street W – LOTS 26,27, 40, 41 & E 1/2 OF LOTS 28 & 39, BLOCK 5, COUNTRY OAKS ESTATES 2ND, REPLAT LOTS 5-11, BLOCK 1 & ALL BLOCK 5. LOTS 29, 30, 37, 38 & W 1/2 LOTS 28 & 39, BLOCK 5, COUNTRY OAKS ESTATES 2ND, REPLAT LOTS 5-11, BLOCK 1 & ALL BLOCK 5. LOT 31, EAST PART LOTS 32 & 35 & ALL LOT 36, BLOCK 5, COUNTRY OAKS ESTATES 2ND, REPLAT LOTS 5-11, BLOCK 1 & ALL BLOCK 5.

3. PUBLIC COMMENTS

4. OTHER BUSINESS

5. ADJOURNMENT

Link for viewing Board of Adjustment Meeting:

https://youtube.com/live/r_NqvbdFak8

This link will not be live until approximately 7:25 AM MT on January 12, 2026.

Teams Meeting: <https://tinyurl.com/yyt3245m>
Teams Meeting ID: 262 039 406 233 28
Teams Phone #: 1-701-506-0320
Local Phone #: 701-456-7006

Meeting Passcode: GK6ac6ok
Phone Conference ID: 494 167 109#

Persons desiring to attend the meeting who require special accommodations are asked to contact the City Administrator at (701) 456-7744 by the Friday preceding the meeting.



BOARD OF ADJUSTMENT MEETING MINUTES

Monday, November 10, 2025 at 7:30 AM MT
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

Meeting called to order at 7:30 AM.

ROLL CALL

PRESENT

- Trevor Ernst
- Pat Bren
- Bruce Burke
- Shawn Soehren

ABSENT

- Troy Bosch

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. STANDARD MOTIONS

A. AUGUST 2025 MINUTES

Motion to approve minutes as presented.
Motion made by Bren, Seconded by Ernst.
Voting Yea: Ernst, Bren, Burke, Soehren

2. REGULAR AGENDA:

A. 725 12TH STREET W - REQUEST TO EXCEED THE MAXIMUM HEIGHT OF A STRUCTURE ON A R1 ZONED LOT

Variance request to exceed the maximum height of a structure on a R1 zoned lot from 40 feet to 63 feet. The property of this structure is located at 725 12th Street W - 400' X 577.5' LESS N33' LOTS 2 & 3, AUDITOR'S PLAT #3.

Chairman Shawn Soehren presented the request for variance and asked if there were any comments from the City. Building Official Leonard Schwindt responded that there were no comments.

Applicant Monsignor Thomas Richter presented the request for a bell tower structure at the Queen of Peace Catholic Church. He explained that the bell tower is intended to have high visibility from the street and will be located in the northwest corner of the property. The structure will feature three brass bells stacked vertically, similar to the

design at St. Patrick's Church. Richter noted that construction is anticipated within the next 12-18 months, contingent upon fundraising.

Board Member Pat Bren inquired about the reason for the requested height. The applicant responded that the height is necessary for aesthetic purposes and sound projection. Richter stated that the bell will only be rung a few times daily and during specific events such as Mass and weddings. The applicant also addressed the decibel levels and frequency of the bell.

Board Member Trevor Ernst noted that one phone call had been received regarding potential sound levels in relation to the City of Dickinson's Municipal Code. Schwindt confirmed that the predicted sound levels would comply with municipal code requirements and would not exceed established decibel limits.

Board Member Bruce Burke asked whether any calls or letters had been received from neighboring properties expressing opposition. Schwindt reported that one phone call had been received requesting details about the variance but expressed no opposition.

Chairman Soehren and the applicant discussed the height and materials of the proposed bell tower. The applicant confirmed that the tower's height is projected to be twice that of the church. Richter provided detailed measurements of each section of the tower and explained that the materials will match those of the existing church.

Board Member Trevor Ernst confirmed with Schwindt that there were no additional comments from the City. Schwindt stated that the only additional note concerned the elevation of the adjacent park, which was included in the provided packet. Richter confirmed that the top of the tower will be approximately eight feet below the base of the water tank at the park.

Bren commented that the proposed project appears visually appealing based on the submitted plans. Richter then presented posters displaying renderings of the final design to the board members.

Motion to approve the variance request to exceed the maximum height of a structure on a R1 zoned lot, subject to the conditions above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

Motion made by Bren, Seconded by Burke.

Voting Yea: Ernst, Bren, Burke, Soehren

3. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

4. OTHER BUSINESS

5. ADJOURNMENT

Motion to adjourn at 7:46 AM.

Motion made by Ernst, Seconded by Bren.

Voting Yea: Ernst, Bren, Burke, Soehren

Link for viewing Board of Adjustment Meeting:

<https://youtube.com/live/6vJ0cNUEgO8>

This link will not be live until approximately 7:25 am on November 10, 2025.

Teams Meeting: <https://tinyurl.com/yz6kj44z>

Teams Meeting ID: 276 639 912 538

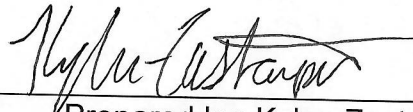
Teams Phone #: 1-701-506-0320

Local Phone #: 701-456-7006

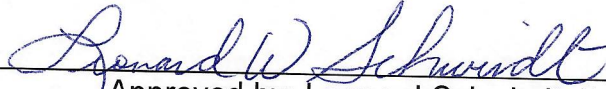
Meeting Passcode: TE3xQ3pG

Phone Conference ID: 812 828 224#

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: Kylee Zastoupil, Administrative Assistant
Community Development & Engineering



Approved by: Leonard Schwindt, Building Official

To: Board of Adjustment
From: City of Dickinson Development Team
Date: {01/12/2026}
Re: Variance to reduce the minimum required front yard setback for a structure on an MH zoned lot.

Owner/APPLICANT

Owner
John & Dana Kuntz
11478 34Y Street SW
Dickinson, ND 58601

Public Hearings: {01/12/2026} Board of Adjustment

REQUEST

- A. Request:** To reduce the minimum required front yard setback from 25 ft to 18.21 ft. on a MH Zoned Lot.
- B. Project Address/Legal Description/Area:** 11478 34Y St SW – Lot 7 Block 4 Lutz 4th 25-240-97 Lot 235ft x 190ft.
- C. Project Description:** Requesting a Variance to reduce the front yard setback allowing the owner to complete the unpermitted detached garage where it has been erected on the property.

STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses:** Municipal Code Minimum Front Yard Setback is 25 ft. in a MH Subdivision which is the same as an R-3 zoned lot.
In a Mobile Home Park the Minimum Required Setback is 20 ft. from the structure to the pavement of an internal street or parking area. (Municipal Code Chapter 62-467)
- B. Compliance with Zoning and Subdivision Regulations:** In a MH Subdivision site development regulations shall be the same as those required in the R-3 zoning district.
- C. Public Input:** Neighboring properties asking about variance with no opposition.
- D. Staff Comments:** Building Department Staff placed a Stop Work Order on the Detached Structure on November 14, 2025 after research verified there was no Building Permit on File. Removal of a section of the pole structure will bring the building into compliance.

Table I: Current Zoning and Use

ZONING	MH
FUTURE LAND USE MAP DESIGNATION	MH
GROSS SITE ACREAGE	1.025 acres

Table II: Current Adjacent Land Use/Zoning

Direction	Zoning	Land Use
North	MH	Residential
East	MH	Residential
South	Ag	Residential
West	MH	Residential

Attachments:

- Provided in packet

MOTIONS:

*****Approval*****

*“I move the City of Dickinson Board of Adjustment recommend Approval of (**Variance to reduce the minimum Front Yard Setback for a structure on a MH zoned lot**), subject to the conditions above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare “*

(AND) the following additional requirements (IF THE BOARD OF ADJUSTMENT RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE):

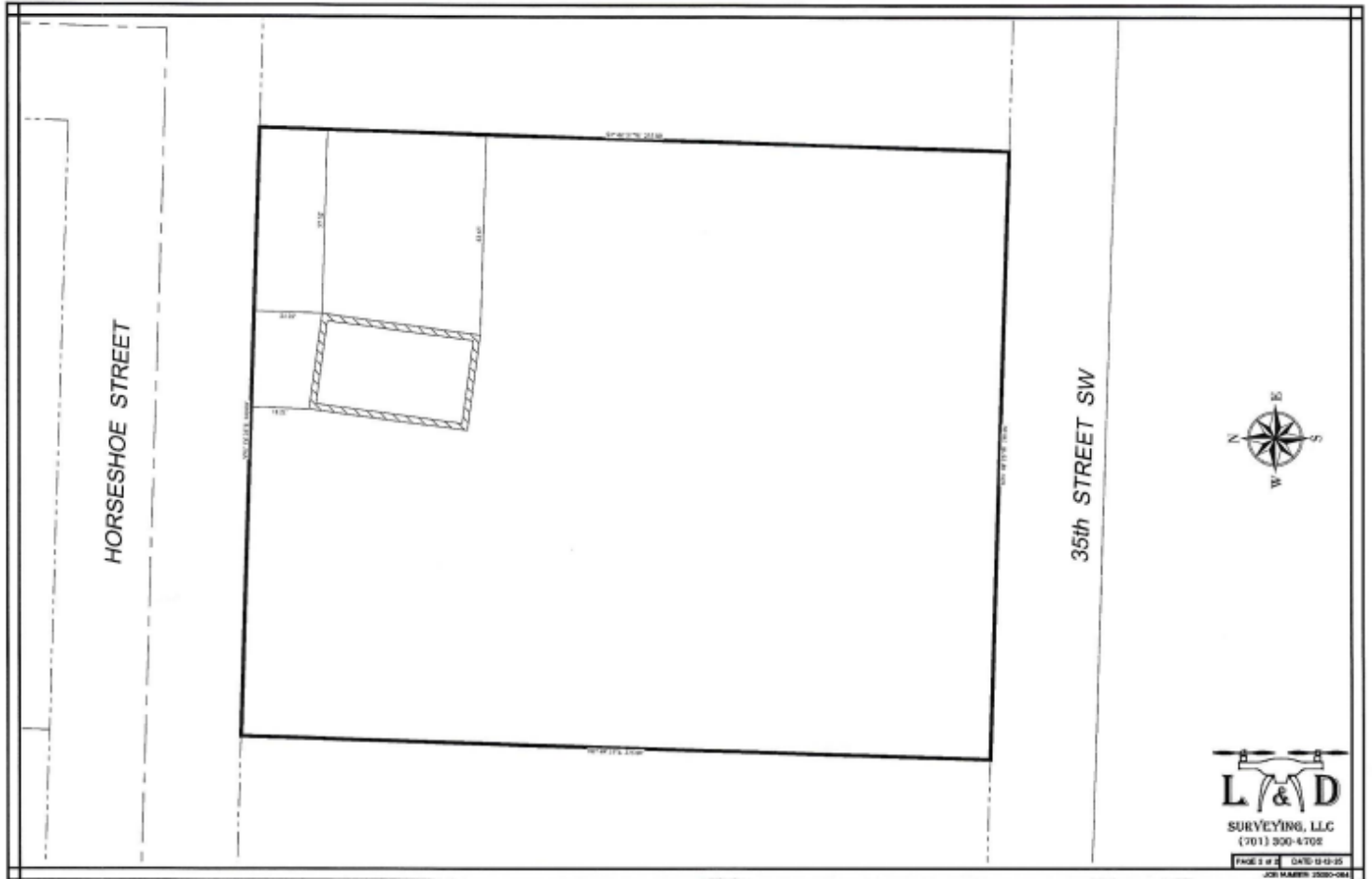
1. _____;
2. _____.

*****Denial*****

*“I move the Dickinson Board of Adjustment recommend Denial of (**Variance to reduce the minimum Front Yard Setback for a structure on a MH zoned lot**) petition as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare.”*

ATTACHMENTS







VARIANCE PERMIT APPLICATION

NOTE: Before submitting your application please call to schedule a meeting with the Building Official Leonard Schwindt (701)-456-7815, to discuss your application.

APPLICATION FOR VARIANCE

Property Owner Name John and Dana Kuntz
 Phone Number 701-690-7531 - Email dana.harness72@yahoo.com
 Address 11478 34Y St SW Dickinson ND 58601
Street City State Zip
 Property Owner Signature [Signature] Date 12/12/25
Property Owner Signature Date

(All Applications must be signed by the property owner or the application will not be processed)

Applicant Name _____
 Contact Name _____
 Phone Number _____ Email _____
 Address _____
Street City State Zip
 Applicant/Permittee Signature _____ Date _____

*Note: If applicant is not the owner of the premises, the owner's signature or separate written permission authorizing Applicant to sign on behalf of the owner, must be affixed to this application. The signature of the applicant and owner (or written permission of the owner) certifies that permission is granted by the owner to all authorized City personnel to enter the premises for the purpose of review of this application.

Property Information: 11478 34Y St SW Dickinson ND 58601
 Property location: _____

Zoning District: MH Adjacent zoning: N _____ E _____ S _____ W _____

Existing use: _____ Adjacent use: N _____ E _____ S _____
 W _____

General Description of Request: purpose statement attached Site Plan attached

Describe how the hardship is not shared generally by other properties in the same zoning district and in the same vicinity:

Zoning Code Sections Relevant to this Request:

Have any previous applications or appeals been filed in connection with this property? No Yes Date: _____

Office Use Only	
Proposed Request to be filled out by Building Department:	

Date of BOA Meeting: _____	Required Fee: \$150.00
Paid by: <input type="checkbox"/> Cash <input type="checkbox"/> Credit/Debit <input type="checkbox"/> Check # _____ Receipt # _____	

John and Dana Kuntz

11478 34Y St SW

Dickinson, ND, 58601

dkuntz@dpsnd.org

December 12, 2025

Dear Members of the Board of Variance,

We are writing to formally request a variance for the property located at **11478 34Y St SW Dickinson ND 58601**. We are seeking a variance from setback requirement. as part of a garage.

The request is based on the fact, that we were unaware about the specific restrictions of this construction. We were misinformed that because the property is in the county that we would not need to request a permit to construct the garage.

Granting this variance would allow reasonable use of the property while remaining consistent with the character of the neighborhood. The proposed change will not negatively impact neighboring properties, traffic, drainage, or public safety. Similar structures or conditions exist within the surrounding area, and the request aligns with the intent of the zoning regulations.

We respectfully request the Board's consideration of this variance. Thank you for your time and service. I am happy to provide any additional information or answer questions as needed.

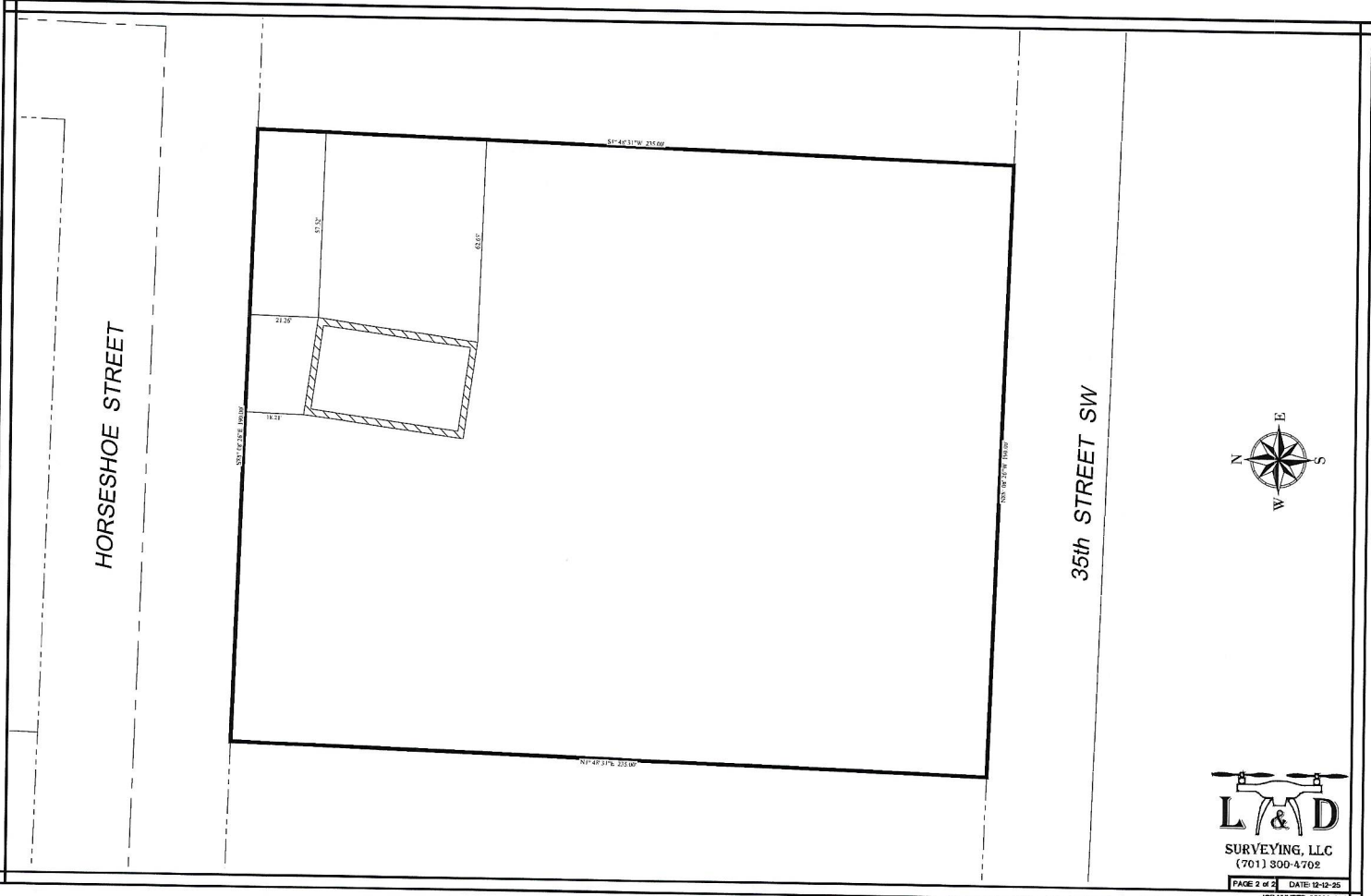
Please see attached survey report.

Sincerely,

John Kuntz and Dana Kuntz

Handwritten signatures of John Kuntz and Dana Kuntz. The signature for John Kuntz is on the left, and the signature for Dana Kuntz is on the right, connected by a horizontal line.





PAGE 2 of 2 DATE: 12-12-25
JOB NUMBER: 25000-064

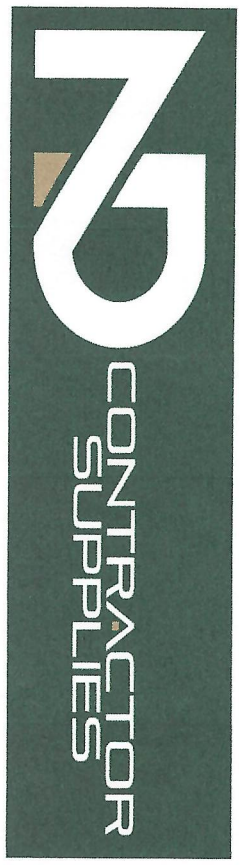
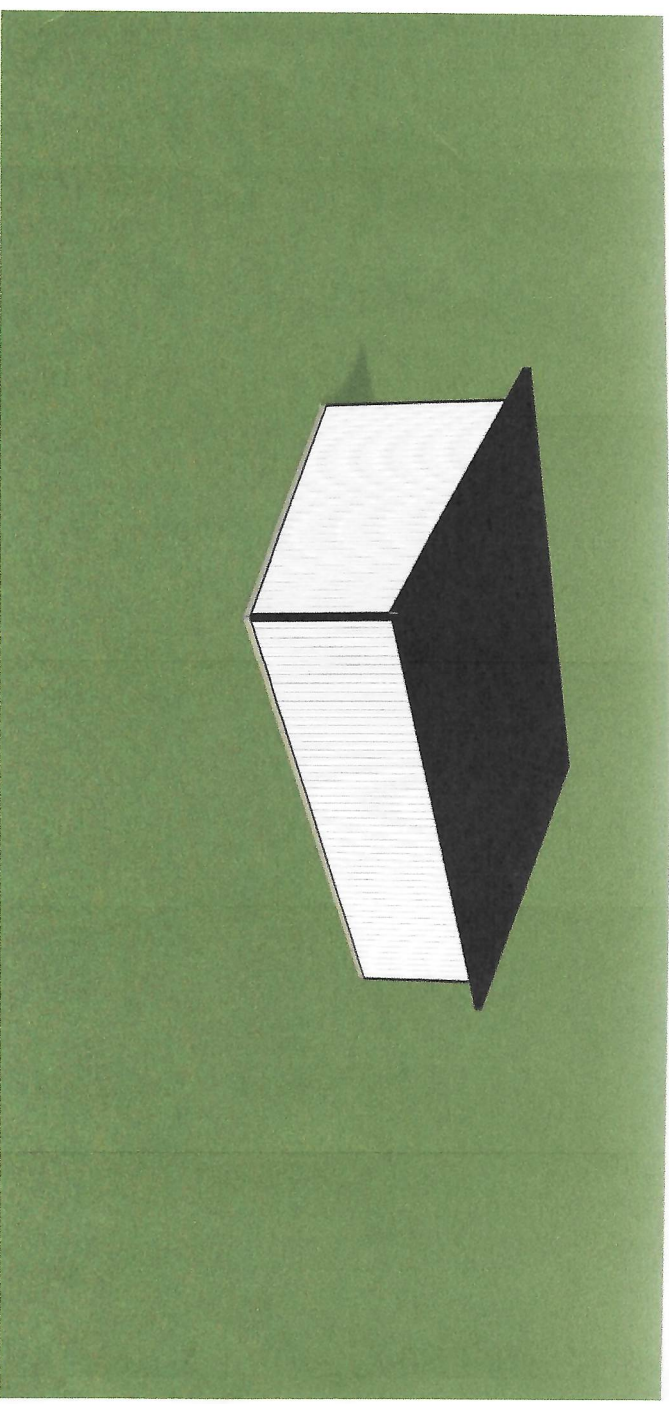
Click here to see in 3D!
[Go view job](#)

Section 2. Item A.



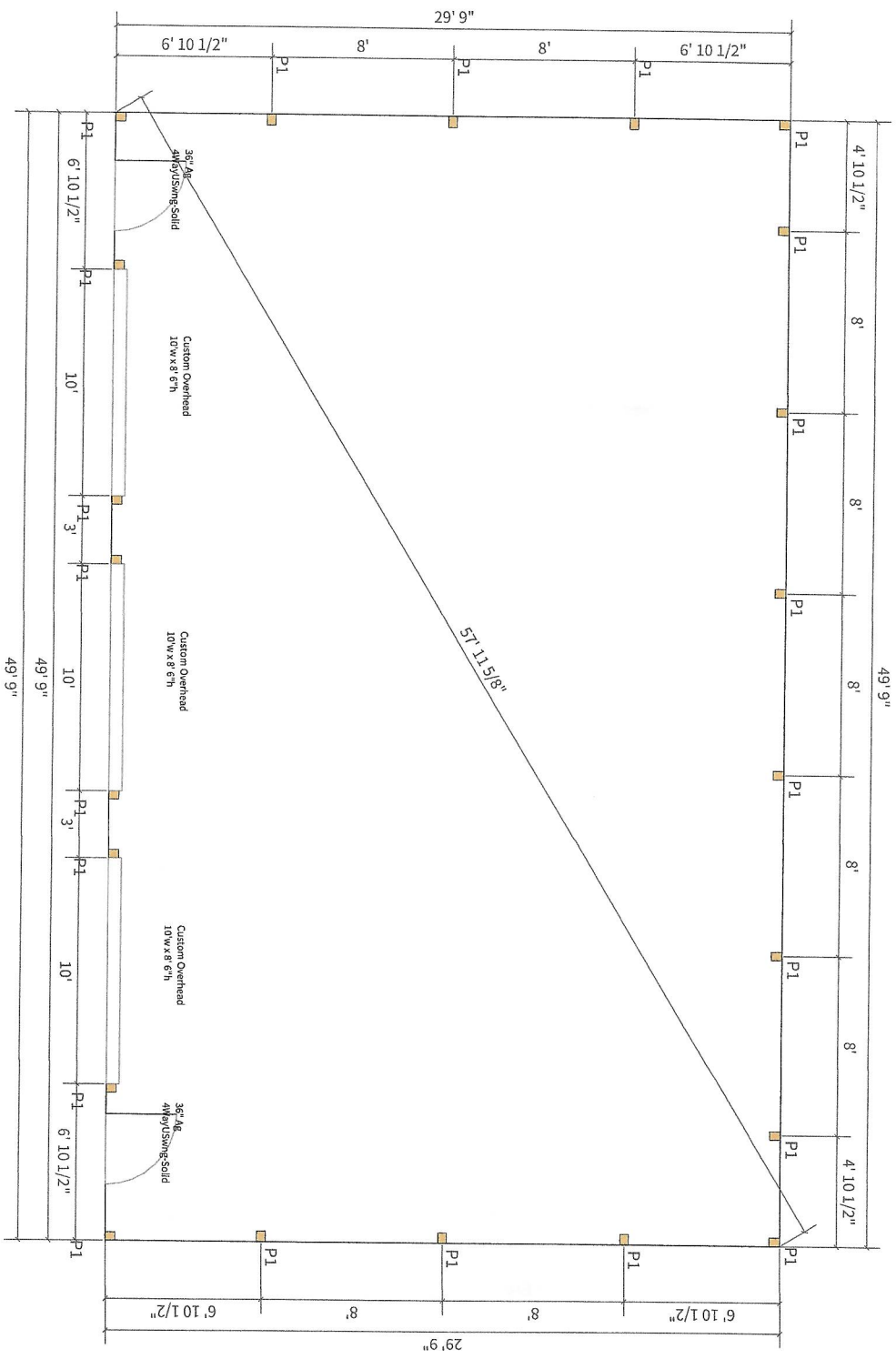
Scan QR with your Phone Camera

Summary	
Width	30'
Length	50'
Ceiling Height	10'
Slab Depth	0' 6"
Overhangs	2'
Roof Pitch	2 / 12
Job Information	
Project Name	KUNTZ GARAGE
Company Name	Kuntz, John
Contact	
Email	johnndconstruction@gmail.com
Phone	701-690-7531
Delivery Address	.
ZIP code	{zipCode}
Comments	

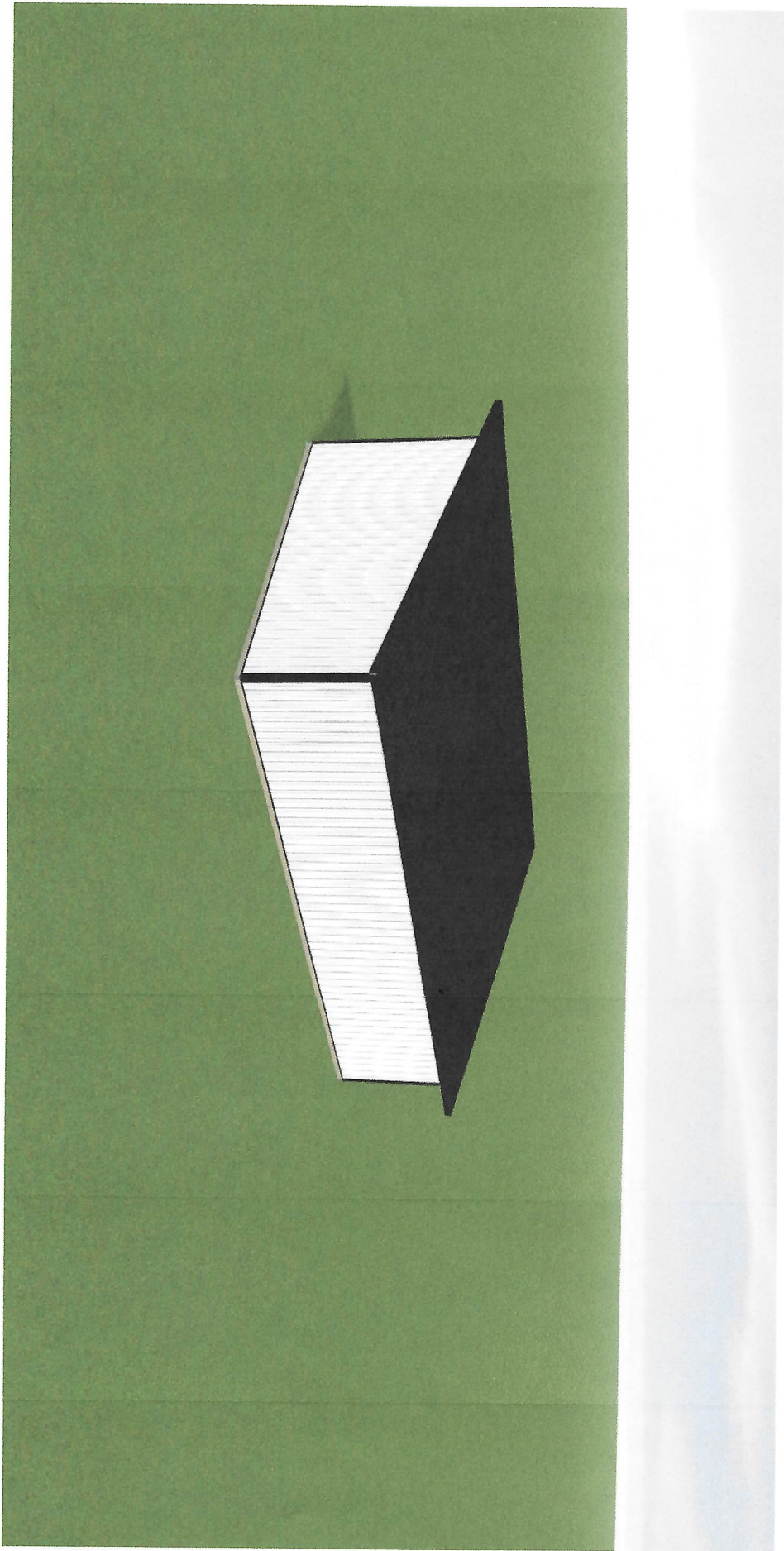


Post Layout

Job: KUNITZ GARAGE
 Date: 11/17/2025
 Time: 9:01 AM

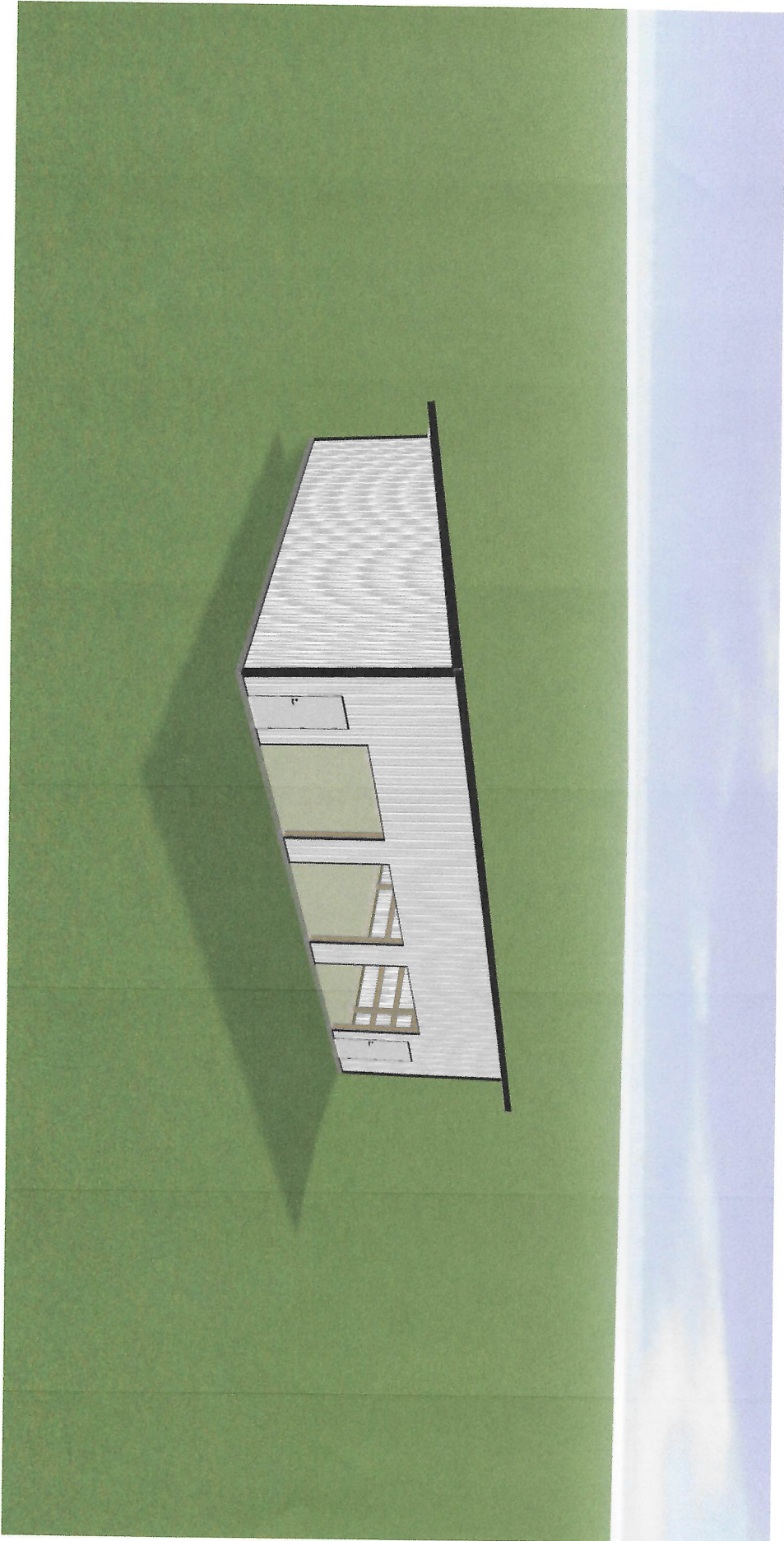


P1	3 Ply 2x6 Lam. Post
	HOLE: 4' x 1' 4"
	12" Precast Concrete Cod
	kie



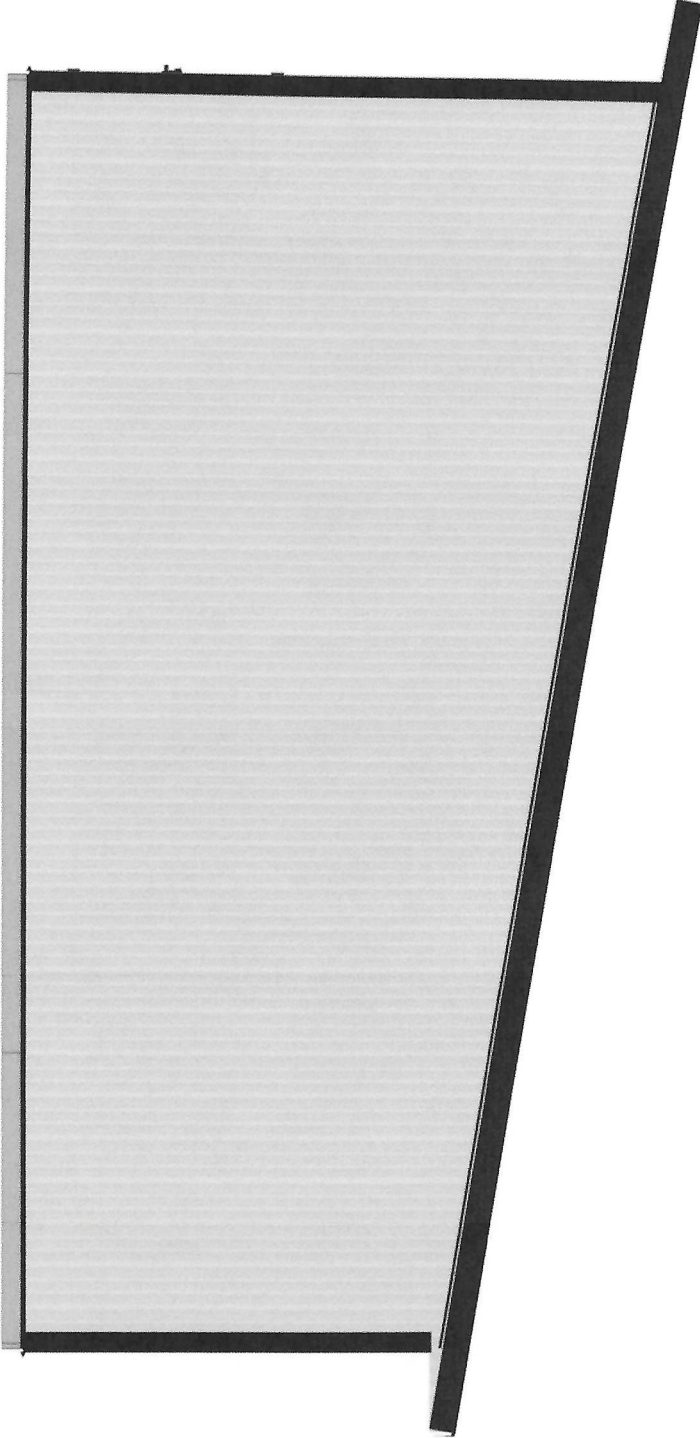
ISO 1

Job: KUNTZ GARAGE
Date: 11/17/2025
Time: 9:01 AM



ISO 2

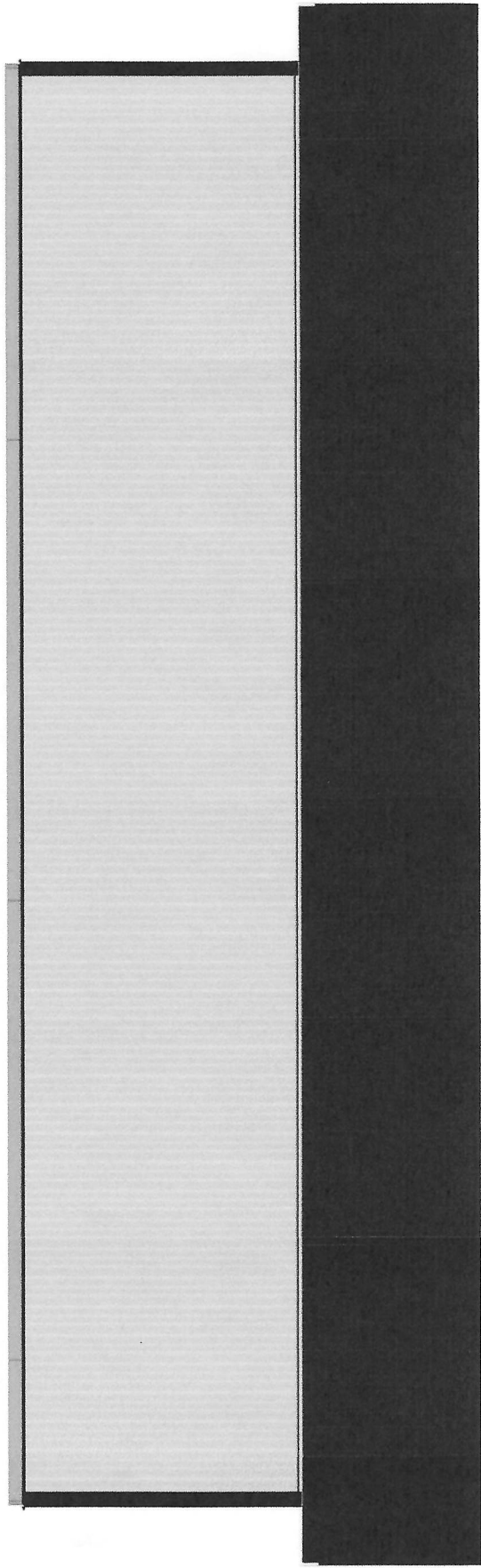
Job: KUNTZ GARAGE
Date: 11/17/2025
Time: 9:01 AM



Front Elevation

Job: KUNTZ GARAGE
Date: 11/17/2025
Time: 9:01 AM

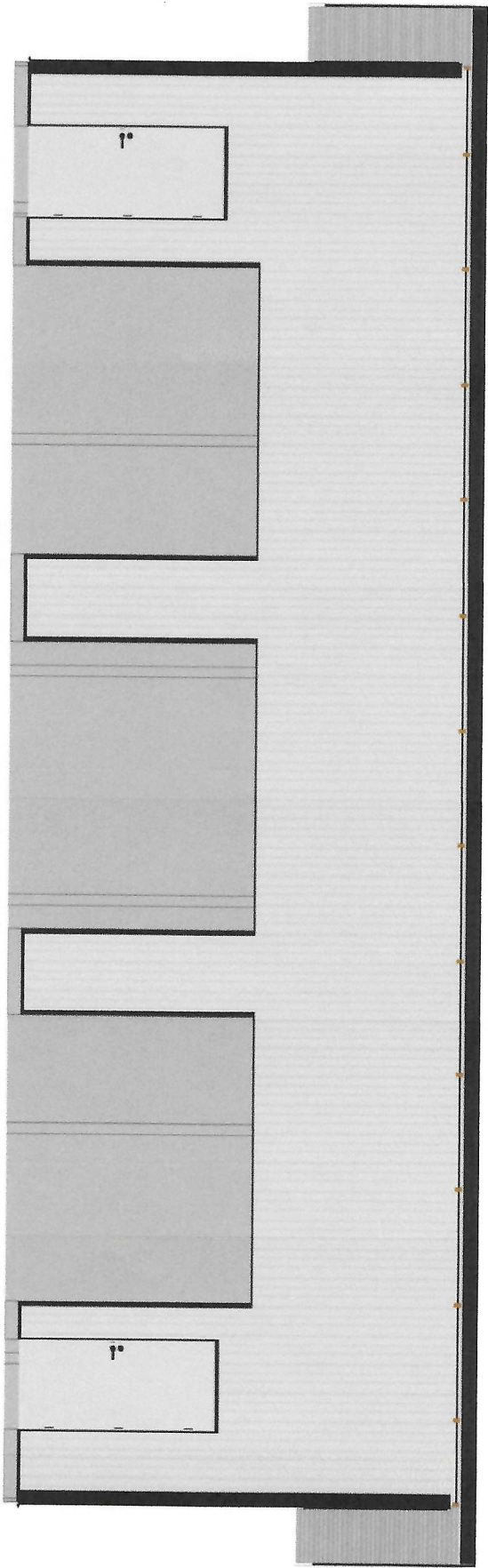
Left Elevation





Back Elevation

Job: KUNTZ GARAGE
Date: 11/17/2025
Time: 9:01 AM

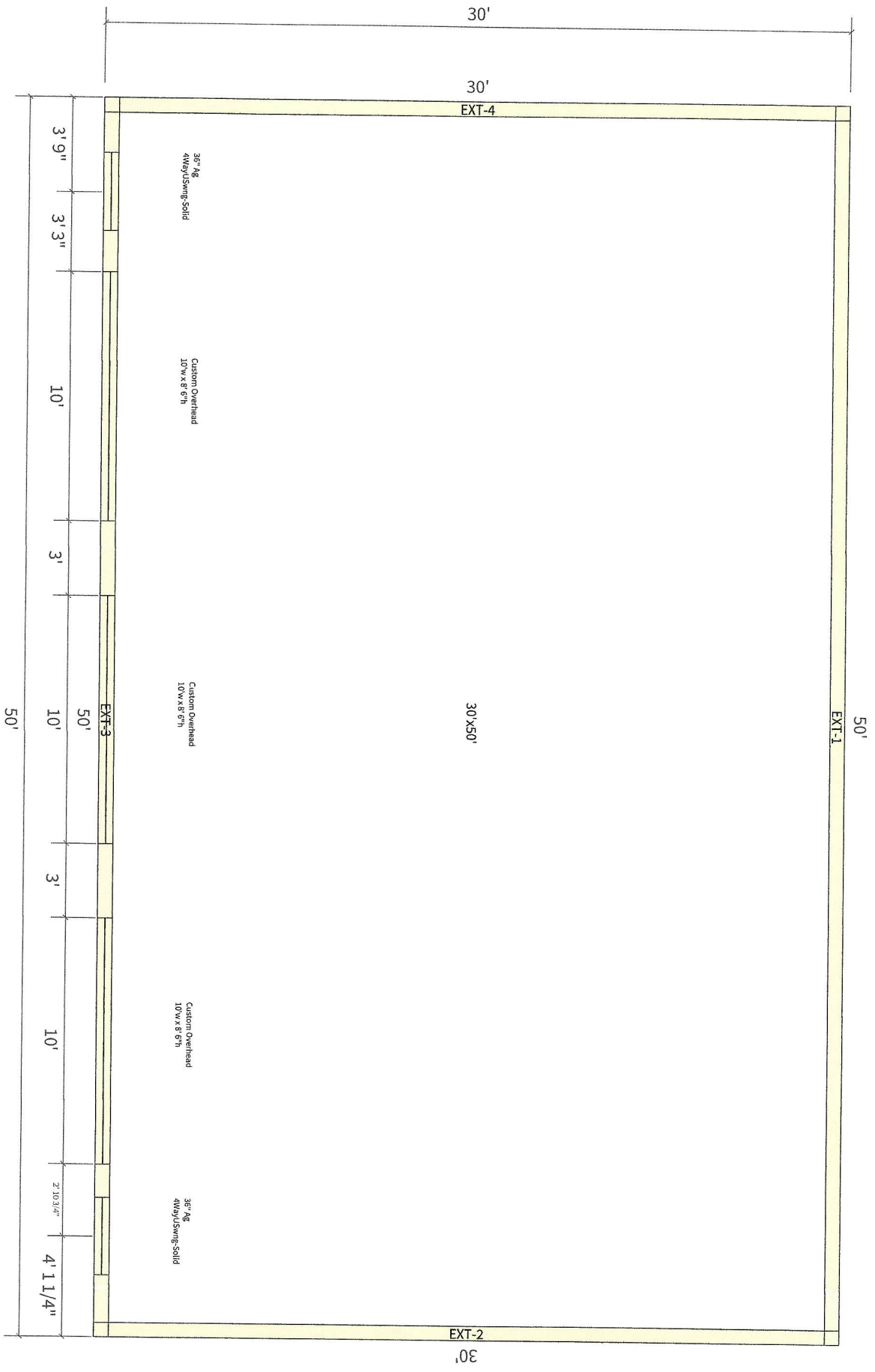


Right Elevation

Job: KUNITZ GARAGE
Date: 11/17/2025
Time: 9:01 AM

Wall Layout

Job: KUNTZ GARAGE
Date: 11/17/2025
Time: 9:01 AM



34' 6 3/4"

34' 6 3/4"

34' 6 3/4"

34' 6 3/4"

34' 6 3/4"

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34' 6 3/4"

34' 6 3/4"

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34' 6 3/4"

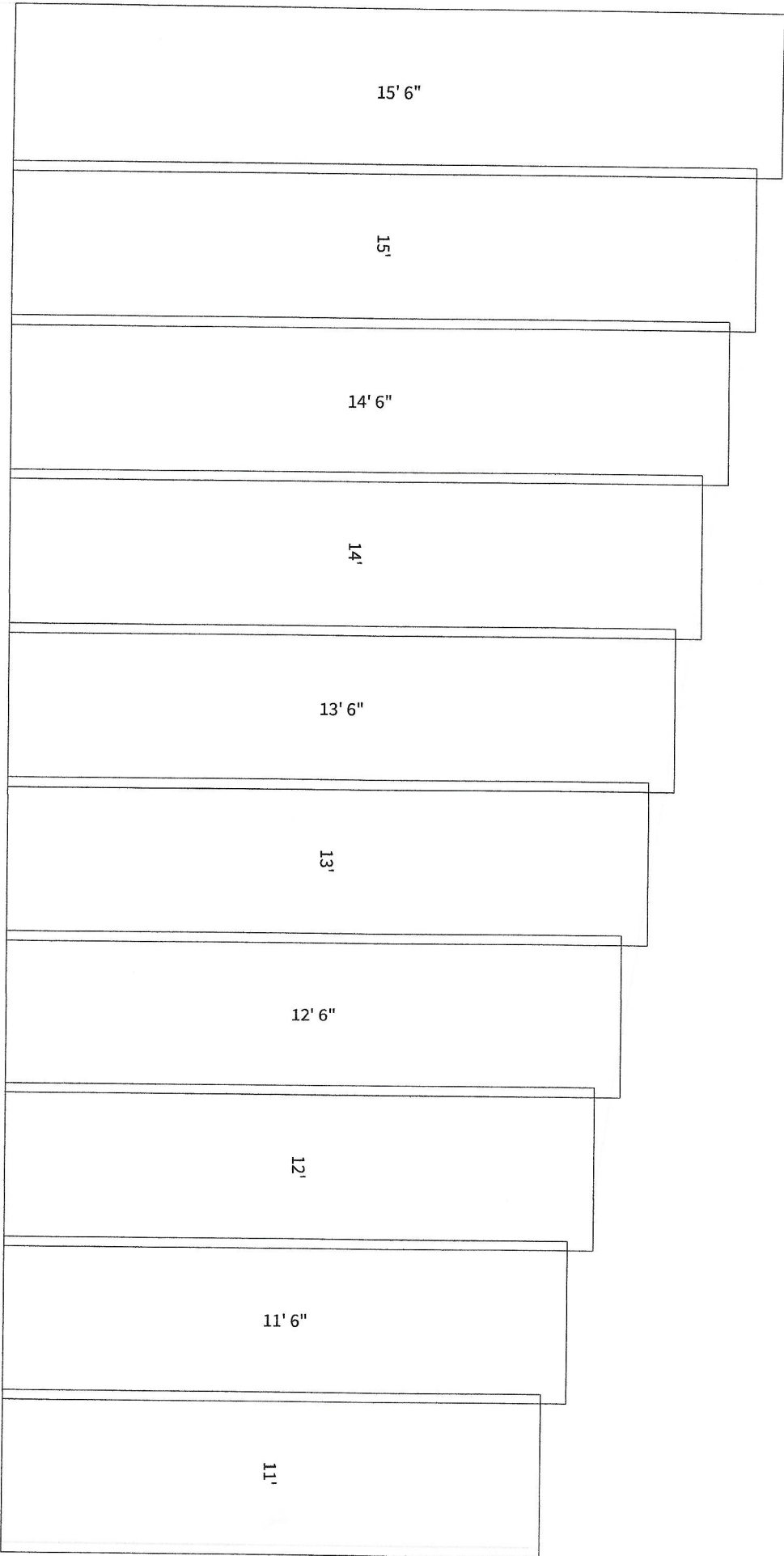
34' 6 3/4"

34' 6 3/4"

34' 6 3/4"

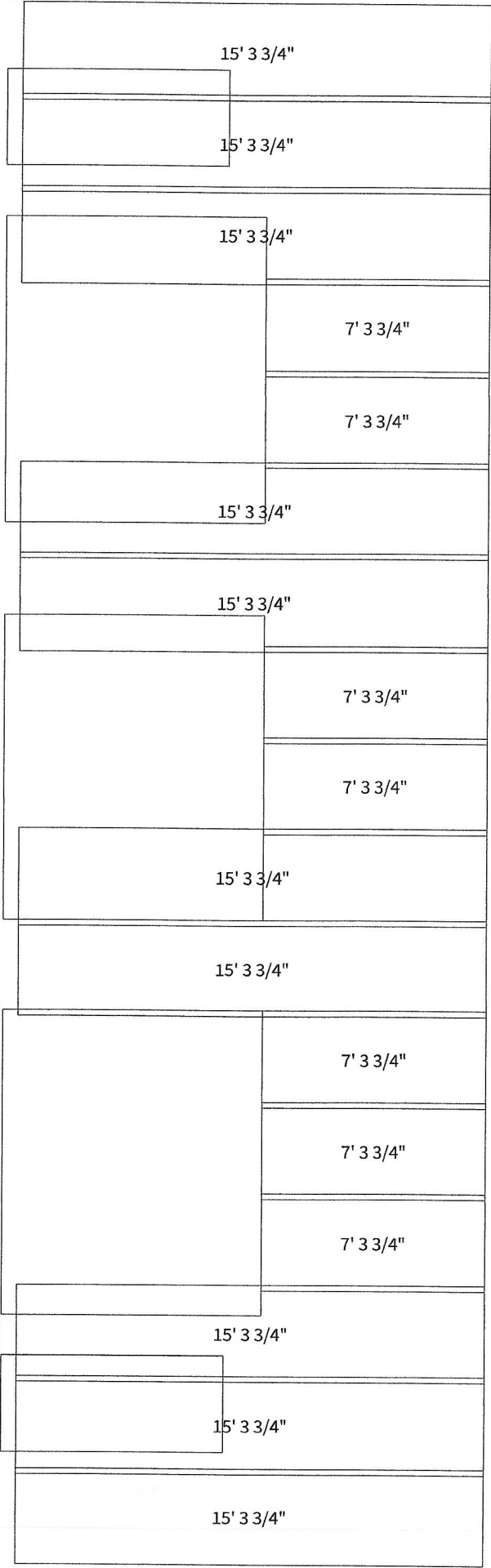
Sheathing Drawing - ROOF-1

Job: KUNITZ GARAGE
Date: 11/17/2025
Time: 9:01 AM



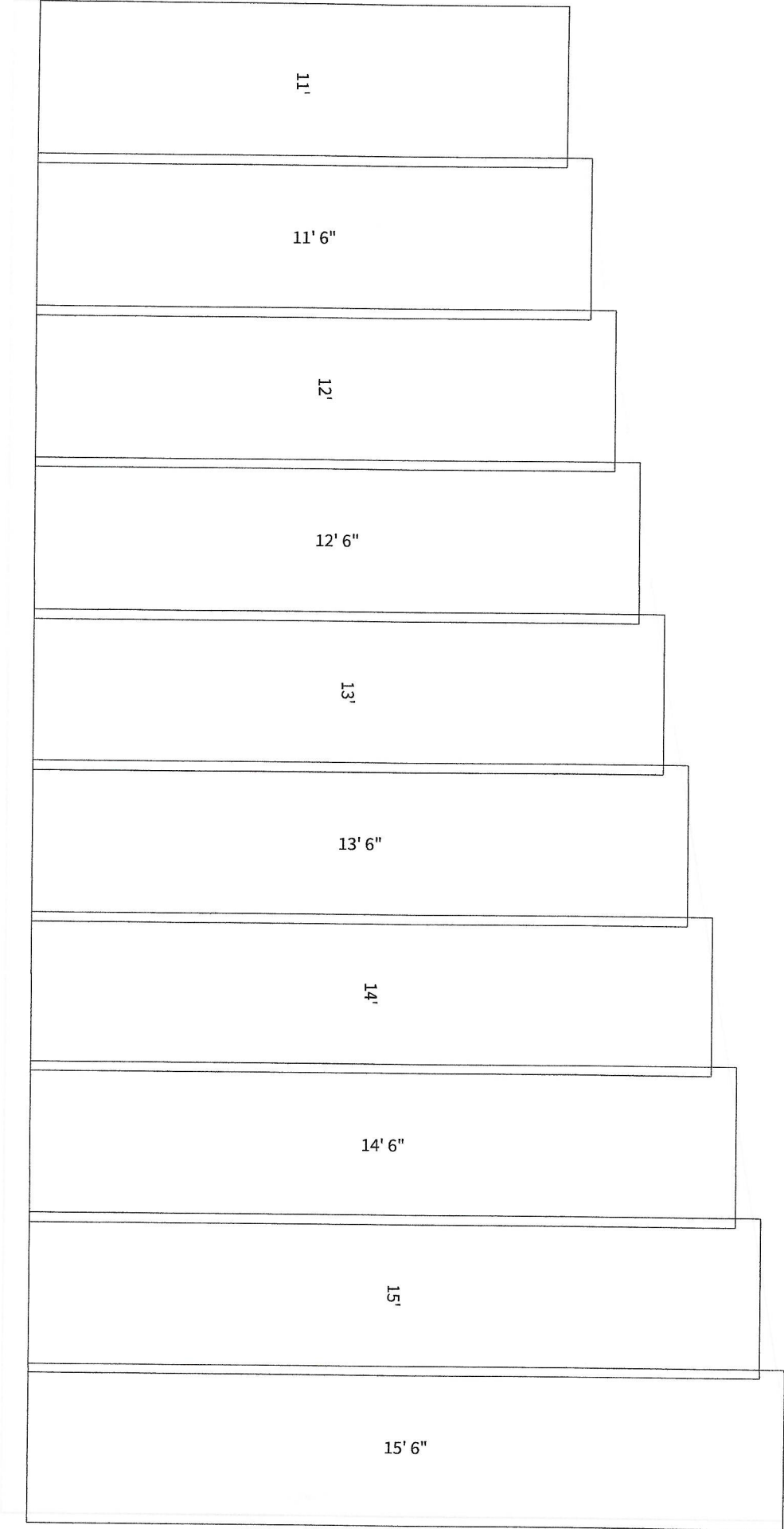
Sheathing Drawing - EXT-2

Job: KUNTZ GARAGE
Date: 11/17/2025
Time: 9:01 AM



Sheathing Drawing - EXT-3

Job: KUNTZ GARAGE
Date: 11/17/2025
Time: 9:01 AM

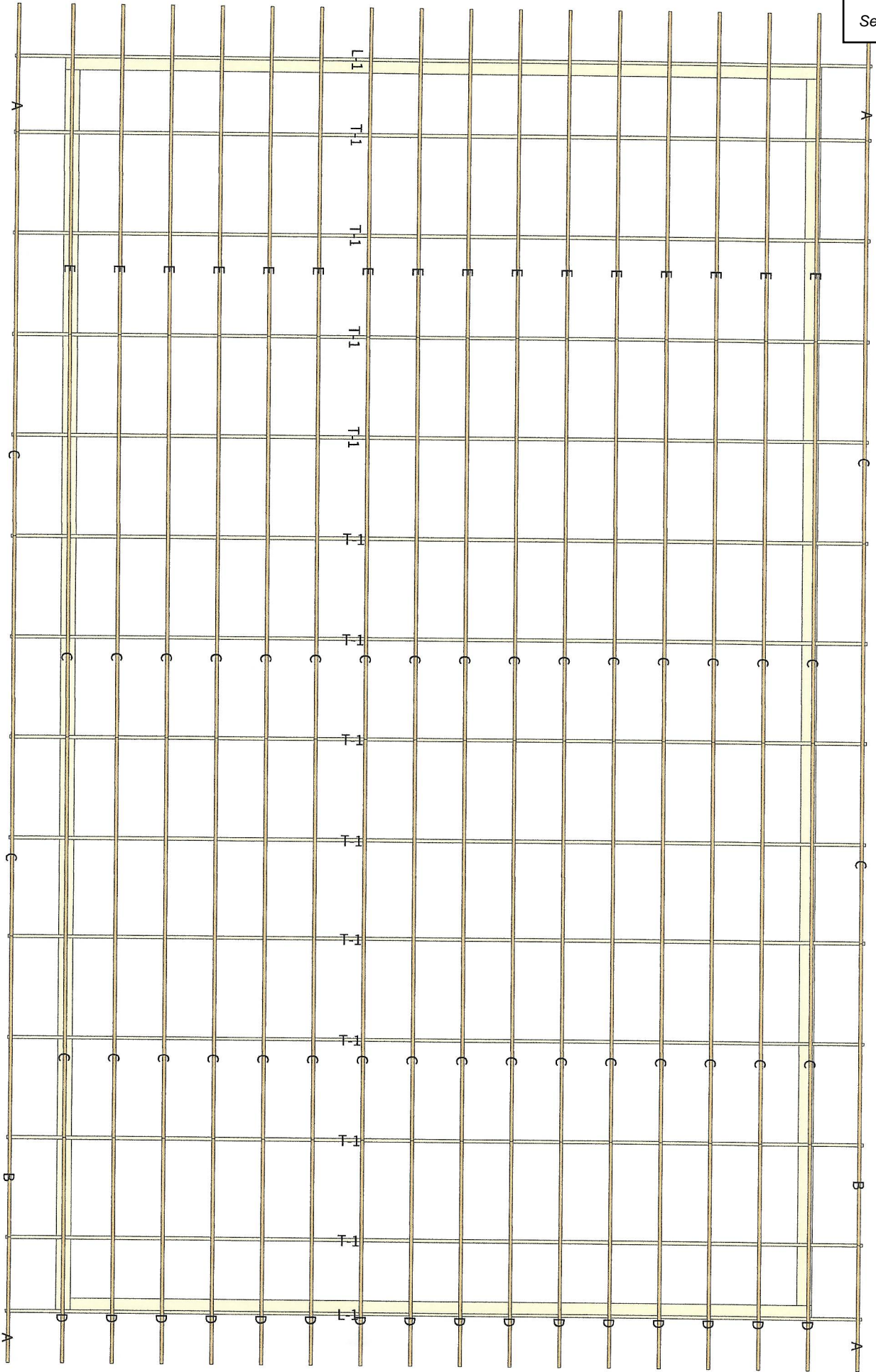


Sheathing Drawing - EXT-4

Job: KUNTZ GARAGE
Date: 11/17/2025
Time: 9:01 AM

Truss Layout

Job: KUNTZ GARAGE
Date: 11/17/2025
Time: 9:01 AM





ITEMIZED MATERIAL LIST

CUSTOMER INFORMATION

Company Name: Kuntz, John
 Contact Name:
 Address:
 City:
 State:
 Zip Code:
 Project Name: KUNTZ GARAGE
 Project Location:

MATERIAL LIST

ProductCode	Description	Length	Finish	Unit	Quantity	UnitPrice	Subtotal
Framing							\$7,025.85
2612	2x6 SPF	12'		EA	1	\$15.75	\$15.75
2412	2x4 SPF	12'		EA	4	\$7.35	\$29.40
HF24	2x4 #1 Hem Fir	16'		EA	5	\$10.89	\$54.45
LP21216	SYP 2x12	16'		EA	15	\$59.25	\$888.75
LT21016	Treated 2x10	16'		EA	8	\$27.73	\$221.84
LM32620	3 Ply 2x6 Lam. Post	20'		EA	4	\$128.25	\$513.00
LM32618	3 Ply 2x6 Lam. Post	18'		EA	2	\$116.13	\$232.26
LM32616	3 Ply 2x6 Lam. Post	16'		EA	10	\$120.00	\$1,200.00
2416	2x4 SPF	16'		EA	71	\$10.75	\$763.25
HF2616	2x6 #1 Hem Fir	16'		EA	41	\$15.31	\$627.71
LP2616	SYP 2x6	16'		EA	14	\$27.75	\$388.50
LM32620	3 Ply 2x6 Lam. Post	20'		EA	6	\$128.25	\$769.50
2412	2x4 SPF	12'		EA	12	\$7.35	\$88.20
2616	2x6 SPF	16'		EA	6	\$15.31	\$91.86
2616	2x6 SPF	16'		EA	8	\$15.31	\$122.48
CK12	12" Precast Concrete Cookie			EA	22	\$29.70	\$653.40
2416	2x4 SPF	16'		EA	6	\$10.75	\$64.50
2416	2x4 SPF	16'		EA	14	\$10.75	\$150.50
2416	2x4 SPF	16'		EA	14	\$10.75	\$150.50
Sheathing							\$12,529.40
36-RP-26GA	36"- AgPan-26Ga	34' 6 3/4"		EA	18	\$178.00	\$3,204.00
AGLF	Ag Rib Soffit	1' 11 3/4"		EA	64	\$50.35	\$3,222.40
36-RP-26GA	36"- AgPan-26Ga	15' 6"		EA	2	\$79.82	\$159.64
36-RP-26GA	36"- AgPan-26Ga	15' 3 3/4"		EA	10	\$78.86	\$788.60
36-RP-26GA	36"- AgPan-26Ga	15'		EA	2	\$77.25	\$154.50
36-RP-26GA	36"- AgPan-26Ga	14' 6"		EA	2	\$74.68	\$149.36
36-RP-26GA	36"- AgPan-26Ga	14'		EA	2	\$72.10	\$144.20
36-RP-26GA	36"- AgPan-26Ga	13' 6"		EA	2	\$69.53	\$139.06
36-RP-26GA	36"- AgPan-26Ga	13'		EA	2	\$66.95	\$133.90
36-RP-26GA	36"- AgPan-26Ga	12' 6"		EA	2	\$64.38	\$128.76
36-RP-26GA	36"- AgPan-26Ga	12'		EA	2	\$61.80	\$123.60
36-RP-26GA	36"- AgPan-26Ga	11' 6"		EA	2	\$59.22	\$118.44
36-RP-26GA	36"- AgPan-26Ga	11'		EA	2	\$56.65	\$113.30
36-RP-26GA	36"- AgPan-26Ga	9' 7 3/4"		EA	17	\$49.68	\$844.56
36-RP-26GA	36"- AgPan-26Ga	7' 3 3/4"		EA	7	\$37.66	\$263.62
OSB129	4 x 8 - 1/2 OSB	8'		EA	59	\$26.78	\$1,580.02
OSB12	4 x 8 - 7/16 OSB	8'		EA	54	\$23.36	\$1,261.44
Trim							\$1,802.98

26007	Residential Eave Edge	10'		EA	6	\$17	Section 2. Item A.
26009	Gable Trim	10'		EA	8	\$36	
26022	Sidewall	54'		EA	1	\$125.82	\$125.82
26018	6" Fascia	10'		EA	12	\$18.40	\$220.80
26018	6" Fascia	10'		EA	8	\$18.40	\$147.20
26017	Outside Corner	15'		EA	2	\$35.85	\$71.70
26017	Outside Corner	9' 8"		EA	2	\$23.10	\$46.20
26003	Base Trim	10'		EA	14	\$14.70	\$205.80
26012	J Channel	10'		EA	17	\$12.70	\$215.90
26006	Drip Cap	10'		EA	1	\$13.60	\$13.60
26012	J Channel	10'		EA	4	\$12.70	\$50.80
26012	J Channel	10'		EA	4	\$12.70	\$50.80
26016	Overhead Door Trim W/J 2x8	8'		EA	6	\$29.76	\$178.56
26013	Overhead Door Drip Cap 2x6	10'		EA	3	\$28.40	\$85.20

Doors & Windows							
AG36	36" Ag 4WayUSwng-Solid			EA	2	\$800.00	\$1,671.98
Y219576	Kwikset Satin Chrome Entry Door Knob			EA	2	\$35.99	\$1,600.00
	10' x 8' Opening			EA	3	\$0.00	\$0.00
LS2610	Spruce 2x6	10'		EA	6	\$0.00	\$0.00

Accessories							
10112PZ	1-1/2" Pro-Z Screw			EA	2852	\$0.15	\$427.80
102PZMD	2" Pro-Z Mini Driller			EA	116	\$0.16	\$18.56
SOFF	TRIM NAILS 1 1/4 Inch			EA	1	\$6.15	\$6.15
HTIE	TRUSS TIE			EA	28	\$1.79	\$50.12
HANGNAIL	JOIST HANGER NAILS 1 1/2			EA	3	\$2.88	\$8.64
31/2PP	POLE NAIL 3 1/2 Inch			EA	3	\$3.94	\$11.82
PAS650566	GUN NAILS BOX 3000 3 Inch BRITE with fuel			EA	1	\$109.99	\$109.99
31/2PPG	Pole Nail GALV. 3 1/2 Inch			EA	1	\$4.76	\$4.76
4PP	POLE NAIL 4 Inch			EA	8	\$3.89	\$31.12
CRINSIDE	Closure R RIB Inside			EA	140	\$1.75	\$245.00

Trusses							
NOT AN EXACT MATCH	M30P2HH4OH2SP4GB			EA	2	\$273.17	\$546.34
NOT AN EXACT MATCH	M30P2HH4OH2SP4			EA	12	\$273.17	\$3,278.04

Labor							
							\$0.00

Freight							
							\$0.00

SALES TAX							
Sub Total							\$27,768.55
Sales Tax				6.50%			\$1,804.96

NOTES:				TOTAL PROJECT BID =			\$29,573.51
EXCLUSIONS:							

Please review this material list to ensure satisfaction.

Estimates are provided in good faith with the information provided by the customer.

We are not liable for any additional materials not listed.

Prices and availability are subject to change without notice due to market fluctuation.



City of Dickinson
Building Department
38 1st Street West
Dickinson, ND 58601
Phone: 701-456-7815 or 701-456-7000
www.dickinsongov.com

COUNTY (outside ETZ and city limits)
ETZ (within 4 miles of city limits)

STARK COUNTY
RESIDENTIAL
ACCESSORY
STRUCTURE
APPLICATION

APPLICANT INFORMATION
Property Owner: John + Dana Huntz
Contractor & License Number:
Contact Person: John Huntz
Phone Number: 701-690-7531
Email Address:
PROJECT INFORMATION
Property Address: 11478 34 Y ST SW
STRUCTURE TYPE
Detached Garage
Shed
Other:
CONSTRUCTION TYPE
New Construction
Alteration
Addition
FOUNDATION TYPE/SETBACKS/TOTAL SQUARE FOOTAGE OF BUILDING
Monolithic Slab
4' Perimeter Foundation
Total SFT of Building: 1500
ADDITIONAL STRUCTURE INFORMATION
Sidewall height: 10 FT
Building Dimensions: 50 X 30
Roof Height: 14 FT
Easements Shown on Plans:

Site Plan Provided
Wall Section Detail

ALL permit applications must include a site plan. The site plan must include the location of property lines, easements, required setbacks, existing structures, and the proposed location of the accessory structure.

Once the application has been reviewed and processed we will contact you Building Permits must be picked up within 14 days of notification. Failure to pick up permit(s) will result in cancelation of the permit(s). Cancelation or failure to pay may result in the property being charged or assessed all applicable fees.

I hereby certify that I have read and examined this application and know the same to be true and correct. I hereby certify that I have been authorized by the owner to act as his agent in applying for and obtaining this permit. All provisions of laws and ordinances governing this type of work will be complied with, whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction. I further apply for a Building Permit and acknowledge that the information above is complete and accurate and this application is not a permit and all work will be performed in accordance with the conditions of the permit, the approved plans and specifications, and the North Dakota State Building Code. I will also allow work to remain accessible and exposed for inspection purposes. Furthermore, I grant City Staff access onto the subject property

Signature

Date

**Estimated Cost of Project:

\$ 29,573.51



Staff Report

To: Board of Adjustment
From: City of Dickinson Development Team
Date: {01/12/2026}
Re: Variance to reduce the Landscape depth on a R3 zoned lot from the required 15 feet to 0 feet.

Owner/APPLICANT

Owner
 23rd Street Apartments, LLC
 1951 1st ST W
 Dickinson, ND 58601

Public Hearings: {01/12/2026} Board of Adjustment

REQUEST

- A. Request:** To reduce the Landscape depth on a R3 zoned lot from the required 15 feet to 0 feet.
- B. Project Address/Legal Description/Area:** 1141,1197, and 1257 23rd St W Dickinson, ND 58601 – Lots 26-31, Lots 36-41, and the East 38.23’ of Lots 32 & 35, Block 5 of “The Replat of Lots 5-11, Block 1 and all of Block 5 of Country Oaks Estates Second Addition” in the City of Dickinson, Stark County, ND.
- C. Project Description:** Requesting a Variance which would allow the owner to build concrete pads in multiple places in the Front Yard Setback allowing more Off-Street Parking.

STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses:** Landscape Depth requirement for R3 zoning is the first 15 feet of the Front Yard Setback. Pouring multiple concrete parking pad areas will not take the property over the Maximum Impervious Coverage of 75%.
- B. Compliance with Zoning and Subdivision Regulations:** The Depth of Landscaping Adjacent to Street Property Line is 15 feet on a R3 Zoned Lot. (Municipal Code Table 62-565-1)
- C. Public Input:** Inquiry by neighboring property.
- D. Staff Comments:** Lots combination approved by Planning & Zoning and City Commission.

Table I: Current Zoning and Use

ZONING	R3
FUTURE LAND USE MAP DESIGNATION	R3
GROSS SITE ACREAGE	1.90 acres

Table II: Current Adjacent Land Use/Zoning

Direction	Zoning	Land Use
North	R3	Residential
East	R3	Residential
South	R2	Residential
West	R3	Residential

Attachments:

- Provided in packet

MOTIONS:

*****Approval*****

*“I move the City of Dickinson Board of Adjustment recommend Approval of (**Variance to reduce the required landscape depth on a R3 zoned lot**), subject to the conditions above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare “*

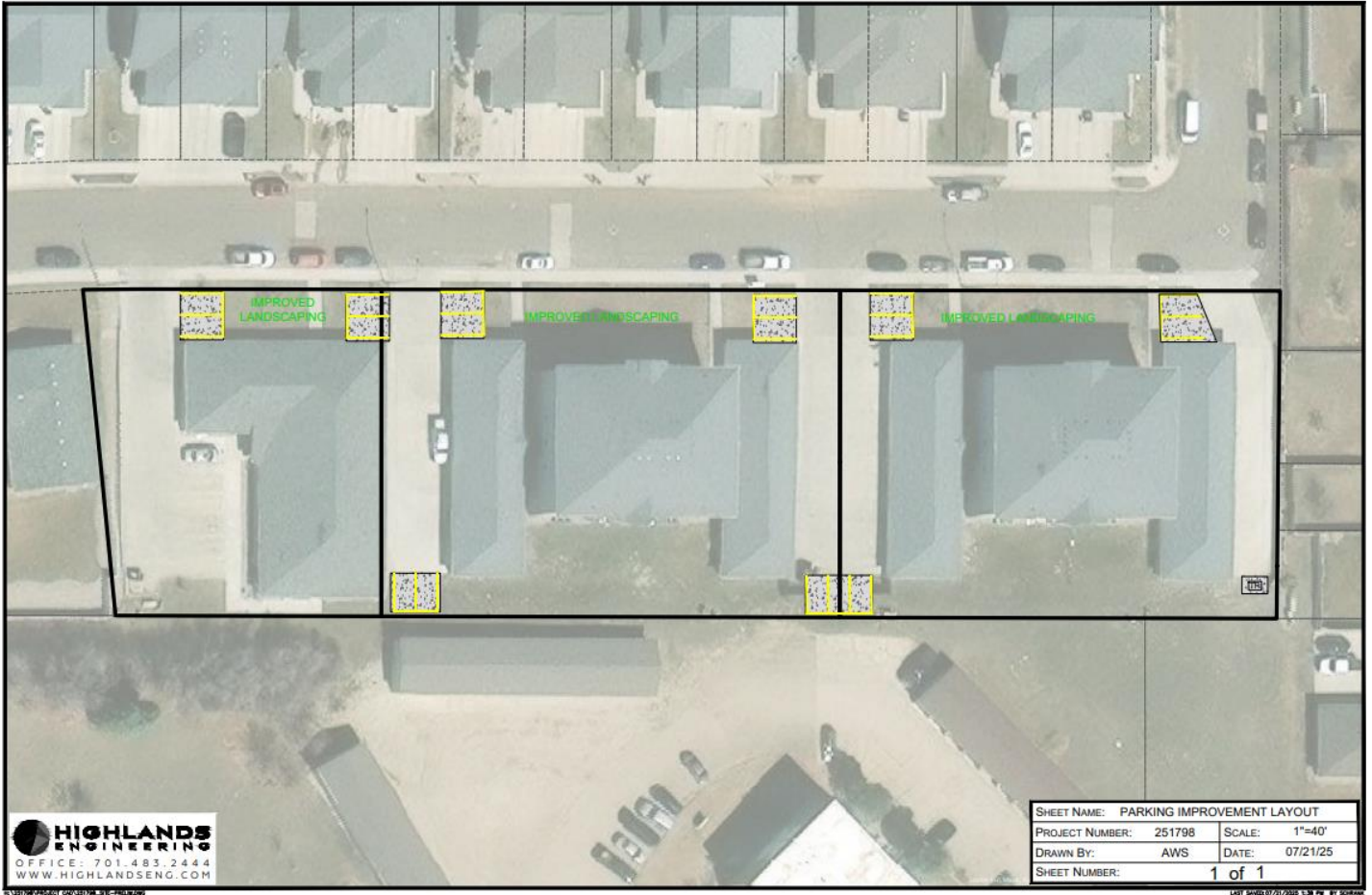
*(AND) the following additional requirements (**IF THE BOARD OF ADJUSTMENT RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE**):*

1. _____;
2. _____.

*****Denial*****

*“I move the Dickinson Board of Adjustment recommend Denial of (**Variance to reduce the required landscape depth on a R3 zoned lot**) petition as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare.”*

ATTACHMENTS



Application for Variance

CHECKLIST: APPLICATIONS FOR VARIANCE

- Purpose statement including an explanation and justification for approving the amendment:
 - ✓ Address the practical difficulties or unnecessary hardships, as distinguished from convenience, profit, or caprice, which would result from the strict application and the relevant regulations;
 - ✓ Describe how the hardship is not shared generally by other properties in the same zoning district and in the same vicinity;
 - ✓ Describe the variance or modification of regulations requested;
 - ✓ Explain how granting the requested relief will observe the spirit and intent of the City of Dickinson Municipal Code, and will maintain the public safety and welfare; and
 - ✓ State why the granting of this variance would not negatively impact adjoining landowners.

- Site plan, drawn to scale with north oriented to the top of the page, showing:
 - ✓ Overall lot dimensions;
 - ✓ Location and dimensions of all buildings and structures found on-site;
 - ✓ Location and dimension of proposed construction; and
 - ✓ Location and dimension of the variance requested.

- Copies of any order, requirement, decision, or determination made by an administrative official of the City of Dickinson that is relevant to this request.

VARIANCE PERMIT APPLICATION

NOTE: Before submitting your application please call to schedule a meeting with the Building Official Leonard Schwindt (701)-456-7815, to discuss your application.

APPLICATION FOR VARIANCE


Property Owner Name 23rd Street Apartments, LLC
Phone Number 701-290-1451 Email mklein@ablend.net
Address 1951 1st Street W, Dickinson, ND 58601
Street City State Zip

See Enclosed

Property Owner Signature _____ Date _____

(All Applications must be signed by the property owner or the application will not be processed)

Applicant Name 23rd Street Apartments, LLC represented by Highlands Engineering
Contact Name Andrew Schrank
Phone Number 701-483-2444 Email schrank@highlandseng.com
Address 319 24th Street E
Street City State Zip

 Digitally signed by Andrew Schrank
Date: 2025.12.04 15:12:39 -07'00' 12/4/25
Applicant/Permittee Signature _____ Date _____

*Note: If applicant is not the owner of the premises, the owner's signature or separate written permission authorizing Applicant to sign on behalf of the owner, must be affixed to this application. The signature of the applicant and owner (or written permission of the owner) certifies that permission is granted by the owner to all authorized City personnel to enter the premises for the purpose of review of this application.

Property Information:

Property location: 1141, 1197, and 1257 23rd St W, Dickinson, ND, 58601

Zoning District: R3 Adjacent zoning: N R3 E R3 S R2 W R3

Existing use: Multi-Family Residential Apartments Adjacent use: N Duplexes E Single/Multi-Family Res. S Single/Multi-Family Res. W _____

General Description of Request: purpose statement attached Site Plan attached

Owner is requesting a variance to the landscaping depth requirement from 15-feet to 0-feet along the 23rd Street W right-of-way to allow for additional off-street parking on their property.

Describe how the hardship is not shared generally by other properties in the same zoning district and in the same vicinity:

See enclosed Transmittal Letter

Zoning Code Sections Relevant to this Request:

Sec. 62-565. - Landscaping materials and installation standards

Have any previous applications or appeals been filed in connection with this property? No Yes Date: _____

Office Use Only	
Proposed Request to be filled out by Building Department:	

Date of BOA Meeting: _____	Required Fee: \$150.00
Paid by: <input type="checkbox"/> Cash <input type="checkbox"/> Credit/Debit <input type="checkbox"/> Check # _____ Receipt # _____	



Transmittal Letter

To: Leonard Schwindt – Building Official
City of Dickinson
38 1st Street West
Dickinson, ND 58601

From: Andrew Schrank, PE
Highlands Engineering
319 24th Street East
Dickinson, ND 58601
701.483.2444
schrank@highlandseng.com

Date: October 3rd, 2025

Re: Variance Application – 23rd Street Apartments

Message: Enclosed you will find the following variance application documents for the above-mentioned project being submitted for consideration at the next Board of Adjustment meeting:

- Pre-submittal Meeting Letter
- Purpose Statement (included, below)
- Legal Description (included, below) of the Property
- Site Plan showing proposed improvements.

Legal Description of Property

LOTS 26-31, LOTS 36-41, AND THE EAST 38.23' OF LOTS 32 & 35, BLOCK 5 OF "THE REPLAT OF LOTS 5-11, BLOCK 1 AND ALL OF BLOCK 5 OF COUNTRY OAKS ESTATES SECOND ADDITION" IN THE CITY OF DICKINSON, STARK COUNTY, ND.

Purpose Statement

The owner/applicant is submitting this Variance Application to request a variance to City Municipal Code Section 62-565. - *Landscaping materials and installation standards* for the above-described property to change the landscape depth along the street property line from 15-feet to 0-feet.

The on-street parking along the north side of 23rd Street W is extremely limited due to the number and size of the driveways to the duplex lots north of this site, as well as mailboxes along the north side of the street. Therefore, many of the residents of the neighboring duplexes use the on-street parking along the south side of 23rd Street W adjacent to this owner's property. This does not leave sufficient on-street parking for the residents and workers in the apartment complex within the owner's property. Aerial imagery of the property near this site showing the number and size of surrounding driveways is included in Enclosure A. Photos depicting an example of the typical street parking from a site visit are shown in Enclosure B.

The apartment buildings within this site are used to provide affordable housing options to the residents of Dickinson. The current off-street parking provided does not meet the needs of the residents and support staff at this site. Therefore, on-street parking is used by the people at this facility to meet the current parking demand. However, on-street parking is also limited due to the reasons previously mentioned. Therefore, adding off-street parking in this site within the landscape buffer of 23rd Street W would help to provide parking closer to the facility that it serves, it would reduce the amount of parking on the adjacent street to help with city snow removal, and it would allow for additional parking for the neighboring property owners to the north where on-street parking is limited.

A site plan depicting potential additional parking spaces if this variance is approved is included with this application. The owner has identified a need to add at least 12 off-street parking spaces to serve this existing facility. The layout proposed shows the potential for an additional 17 parking spaces should this variance request be approved. Assuming 20-feet in length per vehicle, this would open up to 340-linear-feet of on-street parking on 23rd Street W in this area.

Allowing additional off-street parking within the owner's property will help mitigate the on-street parking issues along 23rd Street W. Therefore, this variance is being requested.

Your consideration of this request is greatly appreciated. Feel free to contact me for any additional information or questions regarding this submittal. Thank You!



Andrew Schrank, PE
Highlands Engineering

Enclosures:

- A. Aerial Image
- B. Site Photos

ENCLOSURE A

Aerial Image



ENCLOSURE B

Site Photos





SHEET NAME: PARKING IMPROVEMENT LAYOUT	
PROJECT NUMBER: 251798	SCALE: 1"=40'
DRAWN BY: AWS	DATE: 07/21/25
SHEET NUMBER:	1 of 1



PRE-APPLICATION RESPONSE

COMMUNITY DEVELOPMENT

August 14th, 2025

Andrew Schrank
Highlands Engineering
319 24th Street E
Dickinson, ND 58601

(701) 483-244
schrank@highlandseng.com

RE: August 5, 2025 Pre-application Meeting Response Letter Regarding: 1141, 1197, and 1257 23rd St W

Dear Mr. Schrank:

Thank you for meeting with City staff on August 5th for a discussion regarding your development request. This letter serves as an outline of the request, a summary of the pre-application meeting discussion, and responses from the following City of Dickinson departments:

- Planning;
- Building;
- Engineering;
- Fire;
- Assessing; and
- Public Works.

Please carefully review all the information provided within this letter. Staff will remain available to answer any further questions before, during, and after development applications. Links to resources regarding development application processes are located at the end of this letter.

In Attendance:

Andrew Schrank – Highlands Engineering

Mike Klein – CFO Able

Natalie Birchak, City Planner

Aaron Praus, Public Works Director

Deb Kirschenheiter - Assessing

Josh Skluzacek, City Engineer/Community Development Director

Leonard Schwindt, City Building Official



Mark Selle, Deputy Fire Chief
Brandon Stockie - PD
Kris Keller, Senior Engineer
Greg Melchior, Construction Project Manager
Sylvia Miller, Executive Assistant - Community Development

Executive Summary: The applicant is looking to add additional parking spaces located throughout the property. Due to the locations of existing lot lines, the properties would need to be replatted to either provide access easements to the parking spots, or to create one large lot. Easement vacations will be required for easements that have been built over.

The applications required will include: **Minor subdivision**

Project Description:

“Able is looking to add parking for three recently purchased apartment buildings along 23rd St W. The on-street parking is taken up in front of these apartments most days, and there is limited parking available on the north side of the street due to the amount of driveway into the duplex units. They are needing an additional ±12 parking stalls. They would like to add parking where able in this site as shown by the sketch. However, much of this parking falls within the 15' landscape buffer required by City ordinance.”

Requests/Questions from the applicant:

“Will this parking be allowed in the landscape buffer? Are there any special approvals required for parking to be placed as shown by the sketch? Will any permitting be necessary to complete these improvements?”

Documents provided to the City of Dickinson at the time of the development meeting:

- Pre-Application Request Form
- Site Plan
- Photos

Listed below are the City of Dickinson’s comments related to your pre-submittal request:

Planning: The existing buildings encroach into lot lines and existing utility easements. Prior to the issuance of any building permit by the City, the property owner shall submit a petition of vacation to request all three easements be vacated. Additionally, the property owner shall submit a minor subdivision application that reconfigures the lot lines and either places each building on an individual lot, or combines all three existing parcels into one lot.

According to Section 52-1: Definitions, in the City of Dickinson Municipal Code, a minor subdivision is defined as “a subdivision, platted pursuant to N.D.C.C. Ch. 40-50.1 that meets all of the following criteria:

- 1) Does not require the dedication of public rights-of-way or the construction of new public streets or public infrastructure;
- 2) Does not land-lock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;
- 3) Does not violate any local, State or federally adopted law, ordinance, regulation, plan or policy.
- 4) Consists of four lots or less.”

The proposed project would meet this definition and would be considered a minor subdivision. In order to be recorded, a minor subdivision must face a public hearing in front of the Planning and Zoning Commission, then receive final approval from the City Commission.

The property is currently zoned as High-Density Residential (R-3). The development standards for multi-family housing in the R-3 zoning district are listed below:

- Minimum lot size 7,000 for the first unit, 3,000 for the next three units and 1,000 thereafter
- Minimum lot width 75 feet
- Minimum building setbacks:
 - Front yard 25 feet
 - Street side yard 15 feet
 - Interior side yard 6 feet
 - Rear yard 20 feet
- Maximum building coverage 70%
- Maximum impervious coverage 75%

The City has concerns with the impervious surface coverage of the proposed lot. If the property owner is looking to combine the lots into one, they shall verify the current impervious surface coverage, then consider the coverage in the event any additional parking is provided. If the property owner’s proposal exceeds the maximum impervious surface coverage of 75%, they will need to obtain a variance from the Board of Adjustments prior to final approval of the plat. In accordance with Section 62-61 of the City’s Zoning Ordinance, variances from the strict application of the zoning ordinance shall only be granted where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

Also, per Section 62-61, no such variance shall be authorized by the Board of Adjustment unless it finds that:

- *“Strict application of this chapter will produce undue hardship.*
- *Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.*
- *The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.*
- *The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for the purposes of convenience, profit, or caprice.*
- *The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this chapter.*
- *The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any ordinance or resolution.”*

The applicant has indicated the existing buildings fall under both Multifamily residential and Group residential uses. As outlined in Table 62-589-1. Minimum Off-Street Parking Requirements in Section 62-589: Schedule of off-street parking requirements, the off-street parking requirements for a multifamily residential use is 1.5 spaces per efficiency or 1-BR unit; 2 spaces per other units; 1 space per 2 units for elderly housing, and the requirements for a group residential is 1 space for each two residents. The applicant shall verify that these parking minimums have been met.

Engineering:

- Floodplain: N/A
- Streets: The property is located along 23rd Street West. Parking along the street is currently permitted in the City’s Municipal Code for up to 48 hours.
- Traffic: Parking spots located across a lot line from the driveway shall require an access easement in order to be utilized by any residents, employees, or visitors for buildings not located on the same lot. The number of new ADA-designated parking spaces required shall be dependent on the total number of new spots.
- Water: The existing lots are serviced by individual water curb stops. In the event all three lots are combined into one lot, the existing water curb stop use will be permitted.
- Sanitary Sewer: The City has no records of the locations of the sanitary sewer connections for 1257 or 1197 23rd Street West. These shall be located prior to final approval of any proposed subdivision. Some additional research will be required to verify how the sanitary sewer is servicing these buildings.
- Storm Sewer: N/A

Assessing:

No comments.

Fire Department:

No comments.

Parks & Recreation:

No comments.

Public Works: The property owner shall ensure any trash receptacles are located in a space accessible by Public Works. Trash receptacles shall not be permanently located in the front yard of the property or directly adjacent to public right-of-way.

Buildings: Building fire suppression requirements by the City of Dickinson are no more stringent than the International Building Code. A building permit application will be required to follow the City of Dickinson Municipal Code. Plumbing inspections will be provided by the City of Dickinson. Electric inspections will be provided by the State of North Dakota.

Thank you once again for discussing this development concept with City of Dickinson staff and please do not hesitate to contact staff if you have any questions.

Planning: 701.456.7812 / natalie.birchak@dickinsongov.com

Community Development Administration: 701.456.7020 / sylvia.miller@dickinsongov.com

Sincerely,



Natalie Birchak
City Planner



Joshua M. Skluzacek
Engineering and Community Development
Director

City GIS maps:

<https://cityofdickinson.maps.arcgis.com/home/index.html>

Municipal codes directory:

<https://www.dickinsongov.com/government/page/municipal-code>

Upcoming Planning & Zoning / City Commission meetings:

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

Applications Portal:

<https://www.dickinsongov.com/government/page/application-portal>

SCAM ALERT: The City of Dickinson has been made aware of an ongoing scam campaign targeting businesses and citizens with regards to the payment of application fees. The City of Dickinson does not send invoices regarding fees associated with the Planning & Zoning Commission and has no fees outside of the application fee. If you receive any invoices or have questions regarding the validity of an electronic message regarding application fees, please contact City staff at 701-456-7020 or email sylvia.miller@dickinsongov.com to verify it.

Appendices:

- A) Completed Application Requirements and Associated Fees. All applications must be complete and submitted by the first Friday of the month prior to the desired public hearing date.**

Plat (check for additional major plat requirements): \$350.00

Required Documentation:

- Pre-Application Date / Response Letter
- Transmittal letter / narrative describing reason for the application.
- Title Opinion reflecting ownership by Applicant(s)
 - If applicant does not own the subject property, also include affidavit of interests / agent of owner statement indicating legal interest by the property owner.
- Proposed plat map satisfying the following criteria:
 - Name of the subdivision plat (if in City use “addition,” if in ETZ use “subdivision”).
 - Location of subdivision plat by section, township, and range (to the quarter section).
 - Names and addresses of property owner(s) and registered land surveyor. d. Scale of 1” = 100’ or less, shown graphically. e. Date.
 - North point indication (arrow or compass rose).
 - Basis of bearings, as derived from State Plane Coordinates.
 - Indication of both vertical datum and horizontal datum used for the plat.
 - Boundary line of subdivision plat based on an accurate traverse, with angular and linear dimensions.
 - Legal description of property being platted, including any section line right-of-way not previously deeded for subdivision plats within the ETZ.
 - Accurate locations of all monuments. One monument shall be placed at each corner and at each change of direction in the boundary line of the subdivision plat. In addition, one monument shall be noted/ placed at each block corner; at each point of deflection in the interior lot lines; and at the point of curvature and point of tangency of each curve in a street line on both sides of the street. Whether monuments are to be noted or placed prior to recording the plat is based on the location of the subdivision plat.
 - True angles and distances to the nearest official monuments. For subdivision plats adjacent to or within the current corporate limits, a tie to at least one official monument is required. For subdivision plats within the ETZ, ties to two

official monuments are required. For purposes of this requirement, an official monument is an official government monument, such as a section corner or quarter section corner.

- Ties to a minimum of two accepted State Plane Coordinate monuments based on NAD 83 horizontal datum (adjusted 86), units of measurement international feet, ND south zone 3302.
- Elevations referenced to a durable benchmark described on the plat within its location to the nearest hundredth of a foot, with indication of datum used (NAVD88 required for areas with current floodplain information in that datum).
- Exact location, width, and name of all rights-of-way within and adjoining the subdivision plat, and the exact location of all alleys and multi-use trails within the subdivision plat.
- Accurate outlines and legal descriptions of any areas (not including streets, alleys, or public utility easements) to be dedicated or reserved for public use, with the purposes indicated; and of any areas to be reserved by deed covenant for common use of all property owners within the subdivision plat.
- All easements for rights-of-way provided for public services and public utilities.
- All lot numbers and block numbers and lot lines, with accurate dimensions in feet and hundredths.
- Square footage or acreage of land within the subdivision plat, each individual lot, each subplot created by ghost platting, and the total area in streets. If the subdivision plat crosses a quarter-section line, the acreage within each quarter section must also be noted.
- Radii, deltas, and lengths of all curves based on arc definitions.
- Location and dimensions of non-access lines and access points within a continuous non-access line.
- 100-year floodplain and floodway elevations and topographic contours with a minimum contour interval of 2 feet for any portion of the subdivision plat within a designated floodplain, with indication of datum used (NAVD88 required for areas with current floodplain information in that datum).
- For any waterways or bodies of water within or adjacent to the subdivision plat, the present shoreline locations (relative to the meander line).
- Certification by the registered surveyor that the subdivision plat represents a survey made by him/her, or under the surveyor's direct supervision, and that the monuments shown thereon are accurate, all required monuments have been set, and that all dimensional and geodetic details are correct.
- Notarized certification by all owner(s) of the land of adoption of the subdivision plat and dedication of sewers, water distribution lines, streets, public areas, and

other improvements. If there are multiple owners, the specific lot(s) owned by each must be specified.

- All easements for stormwater management facilities shall be shown and dedicated.
- Final Plat Recording (after approval)
 - Must be printed on 24x36 Mylar (2 copies)
 - Must use all **BLACK** ink. Blue ink is not allowed per Century Code.
 - Please have County Recorder, Kim Kasian, review plat before producing for recording. [Kim Kasian <KKasian@starkcountynd.gov>](mailto:KKasian@starkcountynd.gov)