



# BOARD OF ADJUSTMENT MEETING AGENDA

Monday, October 09, 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

## OPENING CEREMONIES:

### 1. STANDARD MOTIONS

[A.](#) September 11, 2023 Final Meeting Minutes submitted for approval.

### 2. REGULAR AGENDA:

[A.](#) 1575 37th Street E

A. Request to exceed the maximum square footage of a detached structure on an RR (rural residential) lot by 1800 square feet. This property is located at 1575 37th street East- Dickinson, ND.

[B.](#) 220 WEST BROADWAY STREET

1. To consider a variance request to reduce the west side yard setback on a GI zoned lot from the required 10 ft to a 6 ft setback

2. To request a variance request to reduce the rear yard setback on a GI zoned lot from the required 20ft to a 0 ft setback.

[C.](#) 300 WEST BROADWAY STREET

A. To consider a variance request to reduce the east side yard setback on a GI zoned lot from the required 10 ft to a 0 ft setback.

### 3. OTHER BUSINESS

### 4. ADJOURNMENT

**Link for viewing Board of Adjustment Meeting:**  
**This link will not be live until approximately 4:20 p.m. on October 9, 2023.**

**Meeting Packet:** <https://tinyurl.com/BOA-10-09-2023-Packet>

**Stream Link:** <https://tinyurl.com/BOA-10-09-2023-Stream>

**Teams Meeting:** <https://tinyurl.com/BOA-10-09-2023-Teams>

**Meeting ID:** 218 469 274 211

**Meeting Passcode:** xRkEir

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

**Phone Conference ID:** 933 399 623#

**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.***



## BOARD OF ADJUSTMENT MEETING MINUTES

Section 1. Item A.

Monday, September 11, 2023 at 7:30 AM  
City Hall – 38 1st Street West Dickinson, ND 58601

### Commissioners:

**Chairman:** Larry Bares  
**Vice Chairman:** Pat Bren  
Trevor Ernst  
Bruce Burke  
Shawn Soehren

**CALL TO ORDER**

**ROLL CALL**

### **1. STANDARD MOTIONS**

#### **A. August 14, 2023 Final Meeting Minutes submitted for approval.**

**Motion made by** Pat Bren, **Seconded by** Shawn Soehren.

**Voting Yea:** Larry Bares, Trevor Ernst, Bren, Bruce Burke, Shawn Soehren

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

#### **A. 280 9th STREET WEST**

Luke Simons is here to speak on the property of 280 9th Street West. Mr. Simons states that this property was a pretty run down rental property when he bought it. Right by the driveway was dirt, so he had someone from his church, fill it in with concrete. He did not realize you had to have a permit. Mr. Simon explained when you park you cannot get a pickup in the driveway because you will hit the garage when you try to pull it forward to avoid being in the right of way. There is no other place to park during the winter because it is right on the turning lane. Mr. Simons states that public street parking is 250 feet away from the garage which makes it pretty rough, so he poured concrete to solve the issue. He wants to fix the curb so he can pull right into the parking spot without jumping the curb. Chairman Larry Bares is clarifying that the biggest problem here is pouring the pad without a permit and also tearing out the curb and gutter without a permit. He also hired a contractor that is not licensed. Building Official Leonard Schwindt states the main violation is pouring concrete without an off

street parking pad, ripping up the sidewalk without a permit, and tearing up the and gutter without a permit. The applicant is here for a variance to allow the concrete where the concrete is not allowed. Mr. Schwindt explains through the power point in a R-1 zoned lot there is a 15 foot landscape buffer which allows the concrete in front of accessory structures. The code mandates you have two off street parking spots. Mr. Schwindt explains that the garage counts as one and the space outside of his garage is considered one. Mr. Schwindt shows with the PowerPoint where Mr. Simons poured concrete and where the permit would allow concrete to be poured. Mr. Bares asks if that area is over the maximum square footage that is allowed to be poured. Mr. Schwindt explains that it does not meet the maximum, not even at half. Mr. Simons states that he is also asking for the curb to be part of the driveway, and states it is 289 feet less concrete than the maximum allowed if they leave the parking pad the way it is. Chairman Bares opens up the board for discussion. Board Member Pat Bren asked how many vehicles he plans to park there? Mr. Simons states approximately four vehicles; a side by side, right now there is a boat parked there but sometimes just a motorcycle. Community Development Director Josh Skluzacek states that these two intersections have setback requirements, and in our transportation master plan there are requirements, and changing the curb approach does not meet the new standards. Mr. Schwindt states the City has been monitoring this property for awhile and the off street parking, there was a pickup that was on jack stands on the driveway, so utilizing the space you have is what the code is there for. Mr. Schwindt asks for this application to be denied. Board Member Bruce Burk asks Mr. Skluzacek if this property meets the requirements for the curb and gutter as of today? Mr. Skluzacek responds, the setback would not meet the requirements and they would never let that drive be built with the turn lane right there. Mr. Burke clarifies it would make things worse if the curb and gutter were removed. Mr. Simons says that for 27 years people have been parking there in dirt and there have been no accidents, he is trying to make a solution. Mr. Simons was curious if the owner of the house normally gets code letters for the tenants. He states the pickup that was on blocks was his tenants. Mr. Schwindt clarifies that the letters do go out to the owners of the property. Mr. Schwindt refers to the photo in PowerPoint stating that there was a large tree, so he was not sure if the tenants parked under the tree or where they parked. Mr. Simons said the tenants parked on both sides of that tree. Board Member Shawn Soehren wants to know how

much he wants to add to the driveway? Mr. Simons says that one inspector s painted a dot, about 8 feet and that is where is he asking for the curb to be. Mr. Soehren asked Mr. Schwindt if they would allow the driveway pad to be the full distance or access it through the original driveway. Mr. Schwindt states that the code states the driveway has to be the same width as the detached structure. Mr. Schwindt states that this property is at the max already for the width of the driveway per code. Chairman Bares asked if he poured concrete on the side of the garage, would he have room for two vehicles, one parked right behind the other. Mr. Schwindt says yes and states we have issued many permits for people that have followed the code. We are here for a hardship that the code puts on the applicant, not that the applicant puts on themselves. Mr. Schwindt says there was no permit but Chairman Bares is correct you could get two or three vehicles next to your garage. Board Member Trevor Ernst states if you pour concrete by the garage, but a little wider, you could have a pad next to your existing driveway and you wouldn't be in the landscaping area. Mr. Ernst states if you go wider than 8 feet you could pour a pad and you could have the off street parking and you would not have to mess with the curb and gutter. Mr. Simons states that the problem is pulling out of the driveway. If you have two vehicles you have to pull one out to get to the second vehicle but the way it is set up right now, you do not need to do that. Mr. Simons feels like the way the land is landscaped, the dirt is higher than the garage so the water would just sit there so he does not want to put that pad next to his garage. He is just asking for the curb to be changed. If he parks any vehicles there they will make him tear out the concrete. Mr. Simons states he just wants to make it easier for him to pull in. Mr. Ernst states that if he pours concrete on the side of his driveway, he should be able to park the vehicles and back out the vehicles without going against the cities codes and guidelines. There is a way to alleviate the hardship even though concrete is already poured. Mr. Simons states he needs permission to park on the side of the driveway. He states he has had two different inspectors saying two different things to him so it is unclear of what he can and cannot do. Chairman Bares wants to know if this variance is denied, how much of this concrete can be cut and removed. Mr. Schwindt states the intent of the parking pad permit is to make more parking outside of the accessory structure. He could use the current concrete as the patio. Mr. Schwindt is asking for what has been poured to be removed and leave what can used as a parking pad. Mr. Simons states that when Mr. Schwindt stopped by his

property he just asked him not to park there but now he is asking for the concrete removed. He spent over \$7,000 dollars and fully intends to park on it. He understands what they are asking but he did not know he needed a permit. Mr. Schwindt states he did hire an unlicensed contractor and the hardship was created by the applicant. It is a learning experience and he does not recommend this for approval. Mr. Simons states he did not realize the contractor was unlicensed but he is licensed now. Mr. Schwindt received one phone call message, regarding this property, saying that everyone needs to follow codes and regulations. Mr. Simons states that is why he is here today is to follow code. Chairman Bares asks if there is a penalty? Mr. Schwindt states at any time the city can send out fees, but usually they try to work it out with the individual. Mr. Soehren wants to know if they normally hop the curb or go around. Mr. Simons states they normally hop the curb which has been happening for years. Mr. Bren motioned to deny the variance request with the applicant to be able to work something out with City Engineer. Mr. Ernst wants to know if there is a time frame on this request. Mr. Bren wants it done immediately to get this project completed. Mr. Schwindt states twenty days from today would be the deadline. City Attorney Christina Wenko wants to clarify the motion. Ms. Wenko states that Mr. Bren is denying the request and then the applicant has twenty days to resubmit a proposed plan for a variance that would allow the ability to use what is currently being used. Mr. Bren says that is correct and states that as a city he wants to make sure they work with Mr. Simons. Ms. Wenko states her only concern is that if it is not agreeable this variance will end up in front of the Board of Adjustments again so she wants to make sure everyone is clear that the motion should state that if this application is not submitted within 20 days, what will happen next. Board Member Bruce Burke wants to know if the applicant decides that this is all too much hassle, can he rip out the concrete and do some form of what the PowerPoint shows? Mr. Skluzacek states that Mr. Schwindt and himself are in full agreement with what is highlighted red in the PowerPoint, the turn lane being at a major intersection is what he is concerned about. Ms. Wenko clarifies, is the red highlighted area on the Power Point is at the maximum for width? Mr. Schwindt states no it is not, but they cannot extend it further past the driveway. Ms. Wenko wants to know if the applicant needs to fill out a new application for a parking pad permit and Mr. Schwindt states he does. Mr. Simons asks for clarity regarding if he can or cannot park on it or if he has to remove it. Mr. Schwindt states if he receives a parking pad

permit, the city would work with him on being able to keep some of the but any other new off street parking cement would have to be removed.

Motion made by Pat Bren, Seconded by Trevor Ernst.

**Voting Nay:** Larry Bares, Trevor Ernst, Pat Bren, Bruce Burke, Shawn Soehren

## **B. 1575 37TH STREET EAST**

Alfredo Herman wants permission to build a shop on the back of his house that goes over the square footage by 1800 square feet. Chairman Larry Bares is wondering how big his lot is right now. Mr. Herreman says it is 90 feet long. Mr. Herreman states they have a boat they purchased and his daughter is going to start driving so he wants to park her car in there. The shop will be for personal use. Board Member Trevor Ernst asks if he plans to have the garage match the house. Mr. Herreman states he plans to build it exactly like the house, the color, the stucco, the only thing that might be different is the roof. Mr. Ernst states that if this is approved, they ask for there to be no more permitted or unpermitted buildings on the lot. Chairman Larry Bares asks how tall will the sidewalls be? Mr. Herreman states about 14 feet tall. Board Member Bruce Burke asks Building Official Leonard Schwindt if they have received any comments from the public. Mr. Schwindt states they have not had any phone calls for or against this variance. Mr. Schwindt states that any detached structure that is over 250 square feet has to be built with similar materials as the primary structure and it cannot exceed the height of the main building. For every two feet you get a foot for height. Mr. Lynn Cherney, from the audience, is concerned about the easements and if it is that big it is gonna be really close to the neighbors lots. Mr. Cherney states that Mr. Herreman needs to stick to some codes. The lot is so small that he has already encroached on the neighbors. Mr. Herreman states that when he bought the lot, it was originally supposed to be 120 feet but the neighbor next door ended up taking about 30-35 feet away from the lot. The lot is now 95 feet instead of what everyone else's is. He was allowed to have a setback of 15 feet instead of 25 feet. He plans to build the shop the same setback as the house at 15 feet. From the Audience, Jared Robinson, states he lives west of Mr. Herreman. He spent money on this lot to not be

claustrophobic with buildings around. Mr. Robinson states that in his opinion structure but don't have it be to much. He wants to point out that no one wants to just look at a structure blocking a really nice view. A gentlemen from the audience states that he doesn't think he should have to look at a giant wall on the property. He states that he should be able to build what he wants as long as it is per code. Mr. Herreman states that he understands the complaints but he wants to make it look residential and make his property look good. Mr. Schwindt states that if the board approves the variance today, the applicant will have to follow city code. The applicant is in front of the board to exceed the maximum square footage of the building. Board Member Shawn Soehren clarifies that he would be accessing this property through 40th Street, Mr. Herreman states he would. Mr. Soehren wanted to know if this house was permitted through the city or the county. Mr. Herreman said it was permitted through the county. Mr. Ernst states that if the side yards are 15, even if the covenants are 25 feet, the side yards would go down to 15 feet once the house is built. Mr. Schwindt states that we only go by the city ordinances, we do not go by what the land covenants are. City Attorney Christina Wenko states that we do not get in the middle of land covenants, that needs to be enforced by the land owner or an association. It is not the cities prerogative to get involved in personal private property rights. Mr. Cherney states that he checked into it and there is no covenants on his land so they have to follow city guidelines. Board Member Bruce Burke states that there are enough neighbors that are concerned about the size of the building, he is wondering if there could be a compromise made to possibly move the garage farther back. Mr. Herreman states that he is going as far back as he can, the building will be 60x50. Mr. Burke motioned to deny this variance request. Mr. Bren seconded motion to deny this variance request. Mr. Schwindt asked Ms. Wenko if they will have to go in front of the board again if he changes the size of the building. Ms. Wenko states that it is up to the applicant but it would make sense to see what an appropriate size is. The surrounding neighbors, including the ones present, would get notice of this variance.

Motion made by Bruce Burke, Seconded by Pat Bren.

**Voting Yea:** Larry Bares, Pat Bren, Bruce Burke

**Voting Nay:** Trevor Ernst, Shawn Soehren

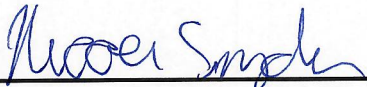
### 3. OTHER BUSINESS

#### A. Positions on the Board

Building Official Leonard Schwindt stated that there is interest in someone taking Chairman Larry Bares position but no one has submitted any paperwork. Mr. Schwindt asks Attorney Christina Wenko if the Board Members can elect new Vice President and President or does it need to be advertised. Ms. Wenko states the Board members could vote on this and it does not need to be advertised. Ms. Wenko states that it should be put on the agenda for the new Board of Adjustments meeting as an agenda item.

### 4. ADJOURNMENT

Prepared By:

X   
Nicole Snyder

Approved By:

X   
Leonard W. Schwindt

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

This link will not be live until approximately 7:20 on September 11, 2023

**Meeting Packet:** <https://tinyurl.com/BOA-09-11-2023-Packet>

**Stream Link:** <https://tinyurl.com/BOA-09-11-2023-Stream>

**Teams Meeting:** <https://tinyurl.com/BOA-09-11-2023-Teams>

**Meeting ID:** 248 513 653 827

**Meeting Passcode:** sF4RoS

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

**Phone Conference ID:** 271 166 413#

**Local Phone #:** 701-456-7006

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

Section 1. Item A.



## Staff Report

Section 2. Item A.

**To:** Board of Adjustment  
**From:** City of Dickinson Development Team  
**Date:** 10/02/2023  
**Re:** Request to exceed the maximum square footage of a residential detached structure by 1800 SF.

### OWNER/APPLICANT

Alfredo Herreman:  
 1575 37<sup>th</sup> Street East  
 Dickinson, ND 58601

**Public Hearings:** 10/09/2023}

Board of Adjustment

### REQUEST

- A. Request:** exceed the square footage of a residential detached structure by 1800 SF.
- B. Project Address/Legal Description/Area:** 1575 37<sup>th</sup> Street East, Dickinson, County of Stark, ND 58601/ROSHAUS 2ND L3 LESS E34' B2 26-140-96 L3 90X593

### STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses:** Similar requests have been approved by the Board of Adjustment. City Staff has compiled neighboring properties lot square footage and square footage of detached structures. (see attachment B) The City Code allows for a maximum 1200 square feet for a lot up to an acre. Additional square footage is allowed for every half acre after the first acre.
- B. Public Input:** No public comments at the time of this report.

Table I: Current Zoning and Use

<b>ZONING</b>	<b>RR</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>RR</b>
<b>GROSS SITE ACREAGE</b>	<b>1.23</b>

Table II: Current Adjacent Land Use/Zoning

Direction	Zoning	Land Use
North	AG	Agriculture
East	RR	Rural Residential
South	RR	Rural Residential
West	RR	Rural Residential

**Attachments:**

- A - Application Material

**MOTIONS:**

**\*\*\*Approval\*\*\***

*"I move the City of Dickinson Board of Adjustment recommend Approval of a variance request to exceed the maximum square footage of a detached structure by 1800 SF, 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 **request to exceed the maximum square footage of a detached structure** 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."*

APPLICATION MATERIALS

ATTACHMENT A

Aerial Photo:



**Attachment B:**

**Lot Comparisons**

L 1 B 1 ROSHAUS 2ND 26-140-96 LOT 125 X 593

- 74,357 sq. ft.
- Detached structure – steel building 1280 sq. ft.
- Total detached structures: 1280 sq ft (1.72%)

1073 37<sup>th</sup> St E

- 74, 357 Sq. FT
- Detached structure- Shed 120 Sq. Ft.
- Detached structure- Shed 120 Sq. Ft.
  - Detached structure- Not listed Approx. 1820 Sq. Ft.
  - Detached Structure- Not listed Approx. 280 Sq. Ft.
  - Total detached structures: 2340 sq ft (3.15%)

1121 37<sup>th</sup> St E

- 74,357 Sq. Ft
- Detached Structure-Shed 192 Sq. Ft.
  - Detached structure- Not listed Approx. 92 Sq. Ft.
  - Total detached structures: 284 sq ft (0.38%)

1171 37<sup>th</sup> St E

- 74,357 Sq. Ft
  - Detached Structure- Not listed Approx. 130 Sq. Ft.
  - Detached Structure- Not listed Approx. 178 Sq. Ft.
  - Total detached structures: 308 sq ft (0.41%)

1219 37<sup>th</sup> St E

- 74,357 Sq. Ft
- Detached Structure- Shed 370 sq ft
- Detached Structure- Shed 120 Sq. Ft.
  - Detached Structure- Not listed Approx. 900 Sq. Ft.
  - Total detached structures: 1390 sq ft (1.87%)

1269 37<sup>th</sup> St E

- 74,357 Sq. Ft.
  - Detached Structure- Not listed Approx. 160 Sq. Ft.
  - Detached Structure- Not listed Approx. 100 Sq. Ft.
  - Detached Structure- Not Listed Approx. 780 Sq. Ft.
  - Total detached structures: 1040 sq ft (1.4%)

1317 37<sup>th</sup> St E

- 74,357 Sq. Ft.
- Detached Structure – 900 sq ft
- Total detached structures: 900 sq ft (1.21%)

1365 37<sup>th</sup> St E

- 74,357 Sq. Ft.
  - Detached Structure- Not listed Approx. 690 Sq. Ft.
  - Total detached structures: 690 sq ft (0.93%)

1415 37<sup>th</sup> St E

- 74,357 Sq. Ft.
- Total detached structures: 0 sq ft (0%)

L 10 B 1 ROSHAUS 2ND 26-140-96 LOT 125 X 593

- 74,357 sq. ft.
- Detached structure – not listed approx. 550 sq. ft.
- Total detached structures: 550 sq ft (0.74%)

1515 37<sup>th</sup> St E

- 74,357 Sq. Ft.
- Detached Structure- Steel Building 1008 Sq. Ft.
  - Detached Structure- Not listed Approx. 303 Sq. Ft.
  - Total detached structures: 1311 sq ft (1.76%)

1543 37<sup>th</sup> St E

- 74,052 Sq. Ft.
  - Detached Structure- not listed Approx. 382 Sq. Ft.
  - Total detached structures: 382 sq ft (0.52%)

1575 37<sup>th</sup> St E

- 53,143 Sq. Ft.
- **Current** Total detached structures: 0 sq ft (0%)
- **Proposed** total detached structures: 3000 sq ft (5.65%)

1601 37<sup>th</sup> St E

- 138,959 Sq. Ft.
- Detached Structure- Shed (Hay) 504 Sq. Ft.
- Detached Structure- Shed 120 Sq. Ft.
- Total detached structures: 624 sq ft (0.45%)

1631 37<sup>th</sup> St E

- 74,357 Sq. Ft.
- Detached Structure- 1320 Sq. Ft.
  - Detached Structure- Not listed Approx. 320 Sq. Ft.
  - Total detached structures: 1640 sq ft (2.21%)

1677 37<sup>th</sup> St E

- 148,670 Sq. Ft.
- Detached Garage- 960 Sq. Ft.
- Detached Garage- 1600 Sq. Ft.
  - Detached Structure- Not listed Approx. 80 Sq. Ft.
  - Detached Structure- Not listed Approx. 150 Sq. Ft.
  - Total detached structures: 2790 sq ft (1.88%)

1717 37<sup>th</sup> St E

- 74,357 Sq. Ft.
- Detached Structure- Shed 320 Sq. Ft
- Total detached structures: 320 sq ft (0.43%)

1745 37<sup>th</sup> St E

- 148,540 Sq. Ft.
  - Detached structure – not listed approx. 1425 sq ft
  - Detached Structure- not listed approx. 362 sq ft
  - Detached Structure- not listed approx. 60 sq ft
  - Total detached structures: 1847 sq ft (1.24%)

1716 37<sup>th</sup> St E

- 148,670 Sq. Ft.
- Machine or Utility Building- 1040 Sq. Ft.
- Steel Utility Building- 2592 Sq. Ft.
  - Detached Structure- Not listed approx. 235 sq ft
  - Detached structure – not listed 40 sq ft
  - Total detached structures: 3907 sq ft (2.63%)

1676 37<sup>th</sup> St E

- 148,670 Sq. Ft.
- Lean-to 384 Sq. Ft.
- Lean-to 384 Sq. Ft.
- Steel Utility Building- 896 Sq. Ft.
  - Lean-tos attached to steel building
- Detached Structure – not listed approx. 1890 sq. ft.
- Total detached structures: 3554 sq ft (2.39%)

1630 37<sup>th</sup> St E

- 74,357 Sq. Ft.
  - Detached Structure- Not listed Approx. 480 Sq. Ft.
  - Detached Structure- Not listed Approx. 829 Sq. Ft.
  - Total detached structures: 1309 sq ft (1.76%)

1600 37<sup>th</sup> St E

- 74,357 Sq. Ft.
- Steel Utility Building- 1320 Sq. Ft.
- Steel Utility Building- 960 Sq. Ft.
  - Detached Structure- Not listed Approx. 315 Sq. Ft.
  - Total detached structures: 2595 sq ft (3.49%)

1572 37<sup>th</sup> St E

- 223,071 Sq. Ft.
- Shop- 2500 Sq. Ft.
- Steel Utility Building- 900 Sq. Ft.
- Detached Structure – not listed 288 sq. ft.
- Total detached structures: 3688 sq ft (1.65%)

1464 37<sup>th</sup> St E

- 74,357 Sq. Ft.
- Steel Utility Building- 1536 Sq. Ft
- Total detached structures: 1536 sq ft (2.07%)

1414 37<sup>th</sup> St E

- 74,357 Sq. Ft.
- Steel Utility Building- 864 Sq. Ft.
- Detached Structure- not listed approx. 1150 sq. ft.
- Total detached structures: 2014 sq ft (2.71%)

1366 37<sup>th</sup> St E

- 74,357 Sq. Ft.
- Steel Utility Building- 576 Sq. Ft
  - Detached Structure- Not listed Approx. 260 Sq. Ft.
  - Detached Structure- Not listed Approx. 116 Sq. Ft.
  - Total detached structures: 952 sq ft (1.28%)

1318 37<sup>th</sup> St E

- 74,357 Sq. Ft.
- Detached Structure – not listed approx. 668 sq ft
- Total detached structures: 668 sq ft (0.9%)

L 6 B 4 ROSHAUS 2ND 26-140-96 LOT 125 X 593

- 74,357 sq ft
- Detached structure – approx. 665 sq. ft.
- Total detached structures: 665 sq ft (0.89%)

1220 37<sup>th</sup> St E

- 74,357 Sq. Ft.
  - Detached Structure- Not listed Approx. 1168 Sq. Ft.
  - Total detached structures: 1168 sq ft (1.57%)

1170 37<sup>th</sup> St E

- 74,357 Sq. Ft.
- Detached Structure- Garage 1656 Sq. Ft.
  - Detached Structure- Not listed Approx. 170 Sq. Ft.
  - Detached Structure- Not listed Approx. 125 Sq. Ft.
  - Total detached structures: 1951 sq ft (2.62%)

1088 37<sup>th</sup> St E

- 74,488 Sq. Ft.
- Total detached structures: 0 sq ft (0%)

1036 37<sup>th</sup> St E

- 74,488 Sq. Ft.
- Total detached structures: 0 sq ft (0%)

From: [Jotform](#)  
To: [Nicole Snyder](#); [Sylvia Miller](#); [Leonard W. Schwindt](#)  
Subject: Re: Board of Adjustment  
Date: Monday, September 11, 2023 10:34:26 AM  
Attachments: [5702592568213637800\\_signature\\_33.png](#)  
[Hardship Letter.pdf](#)  
[SITE PLAN.pdf](#)  
[5702592568213637800\\_signature\\_33.png](#)



Board of Adjustment

Who is the applicant	Property Owner															
Property Owner	ALFREDO HERREMAN															
Property Owner's Phone Number	(701) 580-0775															
Property Owner's Email	AH5894@GMAIL.COM															
Applicant Name	ALFREDO HERREMAN															
Applicant's Phone Number	(701) 580-0775															
Applicant's Email	AH5894@GMAIL.COM															
Property Location	1575 37TH STREET EAST, DICKINSON, ND, 58601															
Property Legal Description	ROSHAUS 2ND L3 LESS E34' B2 26-140-96 L3 90X593															
Zoning District	RR															
Existing Use	RESIDENTIAL DWELLING															
Zoning/Use	<table><thead><tr><th></th><th>Adjacent Zoning</th><th>Adjacent Use</th></tr></thead><tbody><tr><td>North</td><td>AG</td><td>AG</td></tr><tr><td>South</td><td>RR</td><td>RESIDENTIAL DWELLING</td></tr><tr><td>East</td><td>RR</td><td>RESIDENTIAL DWELLING</td></tr><tr><td>West</td><td>RR</td><td>RESIDENTIAL DWELLING</td></tr></tbody></table>		Adjacent Zoning	Adjacent Use	North	AG	AG	South	RR	RESIDENTIAL DWELLING	East	RR	RESIDENTIAL DWELLING	West	RR	RESIDENTIAL DWELLING
	Adjacent Zoning	Adjacent Use														
North	AG	AG														
South	RR	RESIDENTIAL DWELLING														
East	RR	RESIDENTIAL DWELLING														
West	RR	RESIDENTIAL DWELLING														
General Description of	REQUEST TO EXCEED MAX SQ FOOTAGE OF A															

Request

RESIDENTIAL DETACHED STRUCTURE BY 1800 SF

Purpose Statement

[Hardship Letter.pdf](#)

Site Plan

[SITE PLAN.pdf](#)

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

To be submitted Later

Have any previous applications of appeals been filed in connection with this property?

Yes

Date of When

09-11-2023

Applicant/Property Owner Signature



Date

09-11-2023

Board of Adjustment

Board of Adjustment

150.00 USD

Total:

\$150.00

Transaction ID:

bpechzqr

==Payer Info==

First Name

ALFREDO

Last Name

HERREMAN

You can [edit this submission](#) and [view all your submissions](#) easily.

40TH ST E

7406805087000

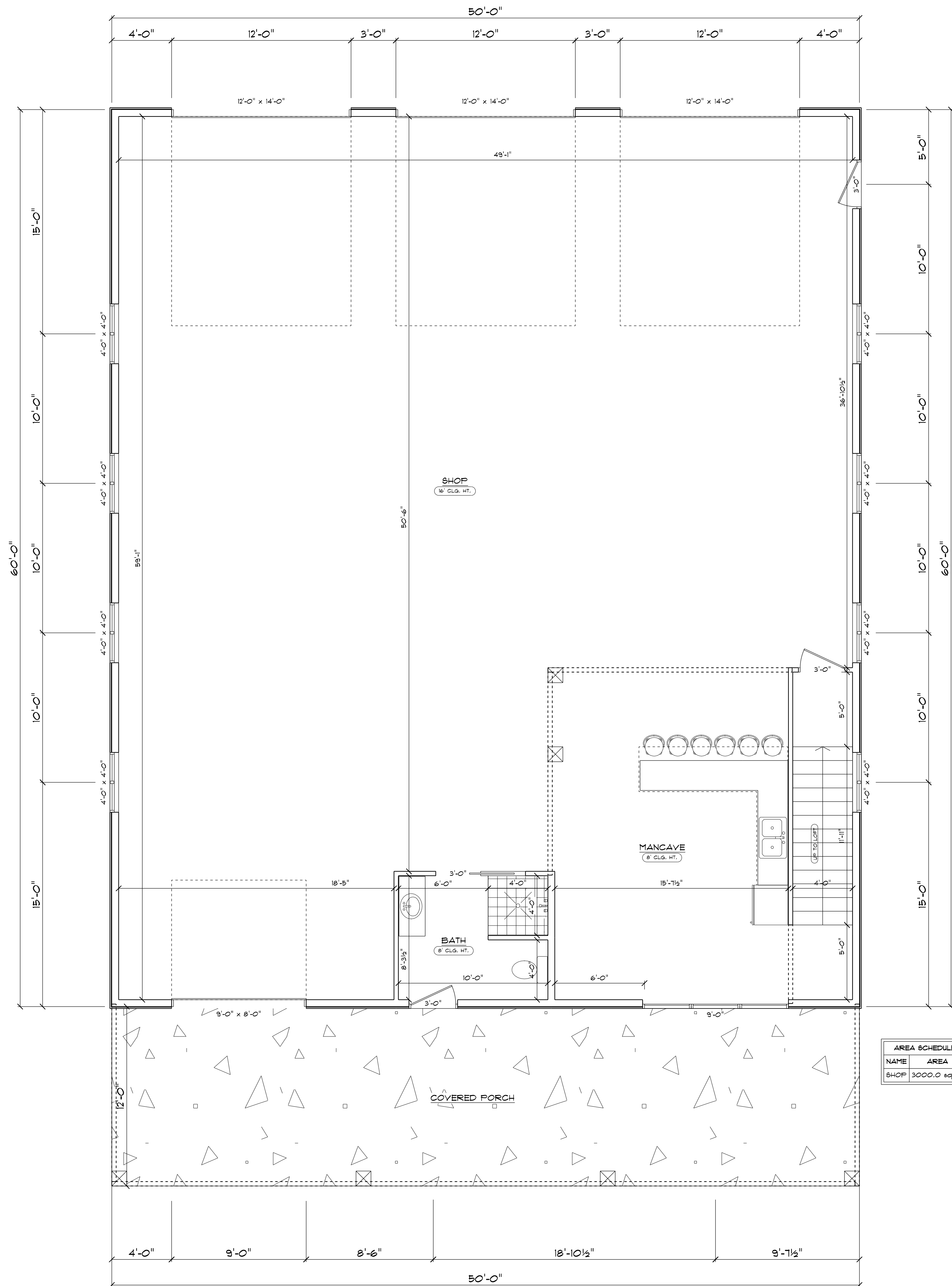
27406805089100

27406805093000

27406805094000

27

ROAD  
37TH ST E



MAIN LEVEL  
SCALE: 1/4" = 1'-0"

AREA SCHEDULE	
NAME	AREA
SHOP	3000.0 sq ft

CONSTRUCTION DRAWINGS

ANY CONSTRUCTION DOCUMENTS PRINTED  
BEFORE THIS DATE ARE VOID.

DATE: 8/21/2023

\* BUILDER TO VERIFY DIMENSIONS\*

These general drawings are not produced by an Architect or Engineer of record. Before construction, the customer should consult a contractor or an architect to determine if these drawings need to be changed to satisfy: 1) State or local building codes/regulations, 2) the project's specific needs, 3) the customer's requirements. Builders FirstSource assumes no responsibility for claims or damages from errors, omissions, deficiencies, or defects of the drawings.

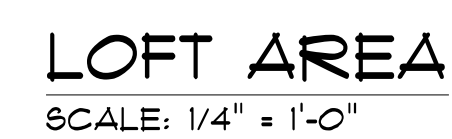
REVISIONS	DATE	BY	DESCRIPTION
08.14.2023			
08.16.2023			
08.21.2023			

BUILDERS FIRSTSOURCE  
SALES: DALE WANNER  
DRAWN BY: CLAIRE GRAYUNDER

ALFREDO SHOP  
2 hour(s) 25 minute(s)



\* BUILDER TO VERIFY DIMENSIONS\*



AREA SCHEDULE	
NAME	AREA
LOFT	455.0 sq ft.

These general drawings are not produced by an Architect or Licensed Professional Engineer. Before construction, the customer should assist a contractor or an architect to determine if these drawings need to be changed to satisfy: 1.) state or local building codes/regulations; 2.) the project's structural requirements; or 3.) existing conditions specific to the site. Builder FirstSource assumes no responsibility for claims or damages from errors, omissions, deficiencies, or defects of the drawings.

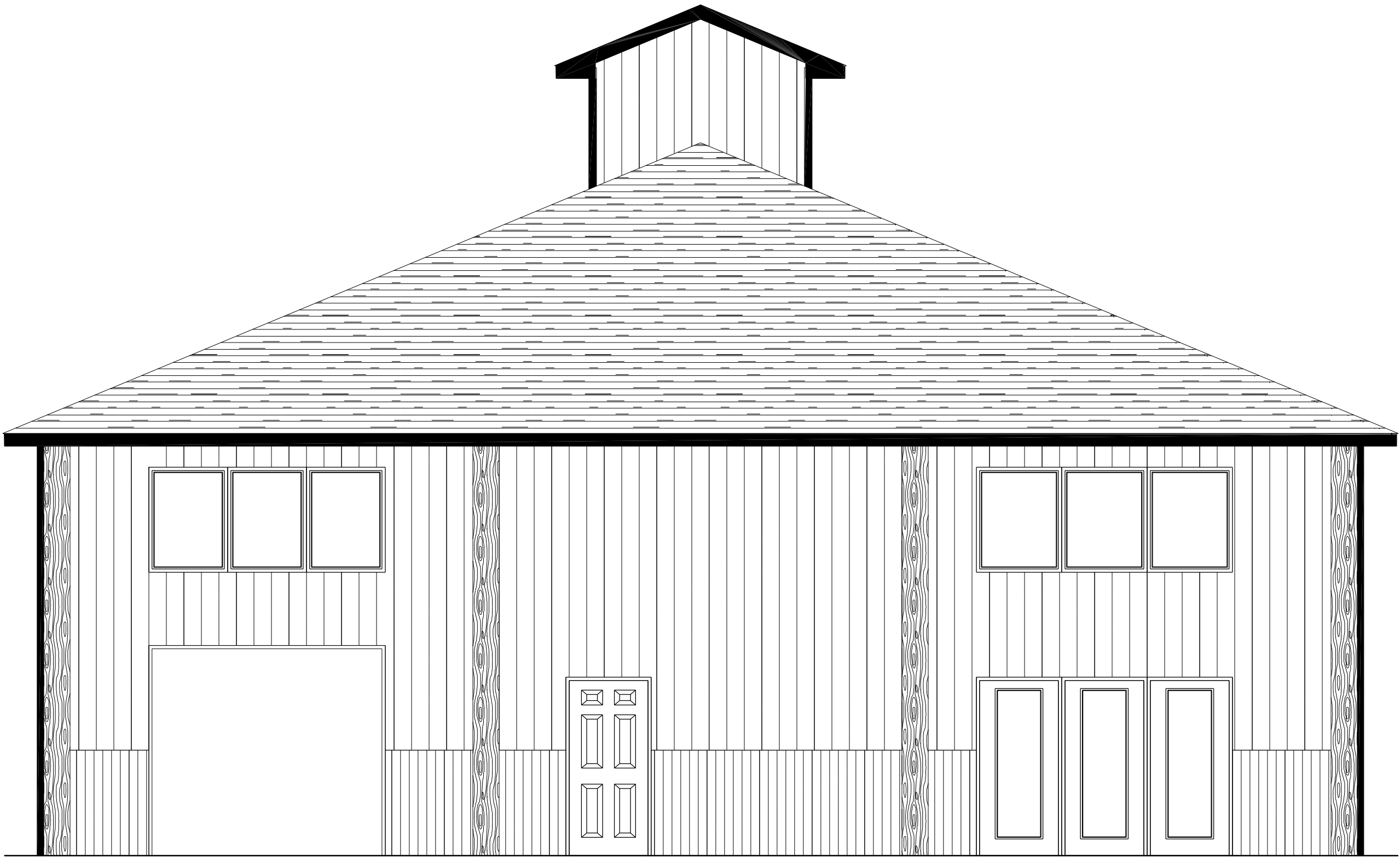
08.14.2023	
08.16.2023	
08.21.2023	

## REVISIONS

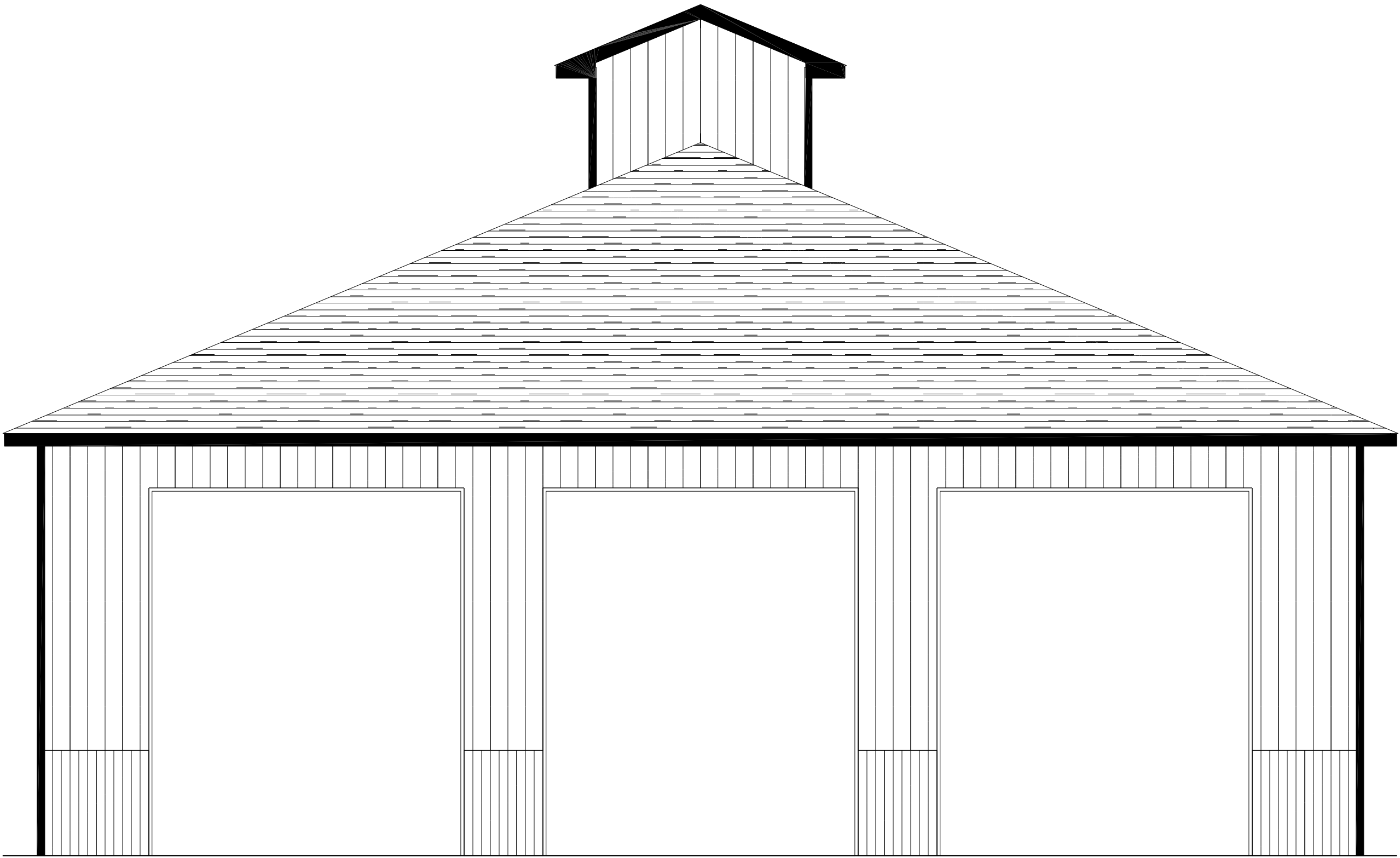
**BUILDERS FIRSTSOURCE**  
SALES: DALE WANNER  
DRAWN BY: CLAIRE GRAYUNDER

ALFREDO SHOP  
2 hour(s) 25 minute(s)





FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



BACK SIDE ELEVATION  
SCALE: 1/4" = 1'-0"

CONSTRUCTION DRAWINGS

ANY CONSTRUCTION DOCUMENTS PRINTED  
BEFORE THIS DATE ARE VOID.

DATE: 8/21/2023

\* BUILDER TO VERIFY DIMENSIONS\*

These general drawings are not produced by an Architect or Engineer and are not intended to be used as such. Before construction, the customer should consult a contractor or an architect to determine if these drawings need to be changed to comply with local building codes/regulations. Builders FirstSource assumes no responsibility for claims or damages from errors, omissions, deficiencies, or defects of the drawings.

08.14.2023		
08.16.2023		
08.21.2023		

REVISIONS

BUILDERS FIRSTSOURCE  
SALES: DALE WANNER  
DRAWN BY: CLAIRE GRAYUNDER

ALFREDO SHOP  
2 hour(s) 25 minute(s)

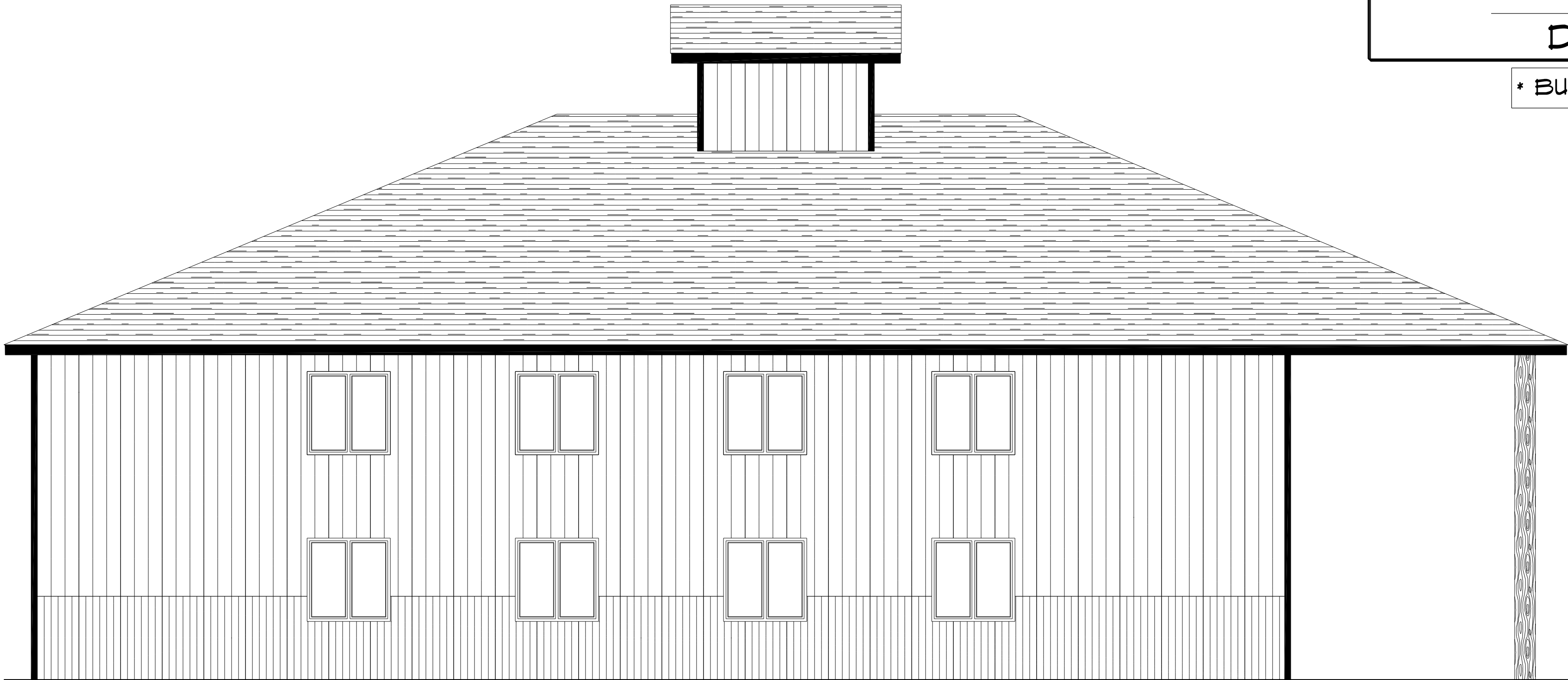


# CONSTRUCTION DRAWINGS

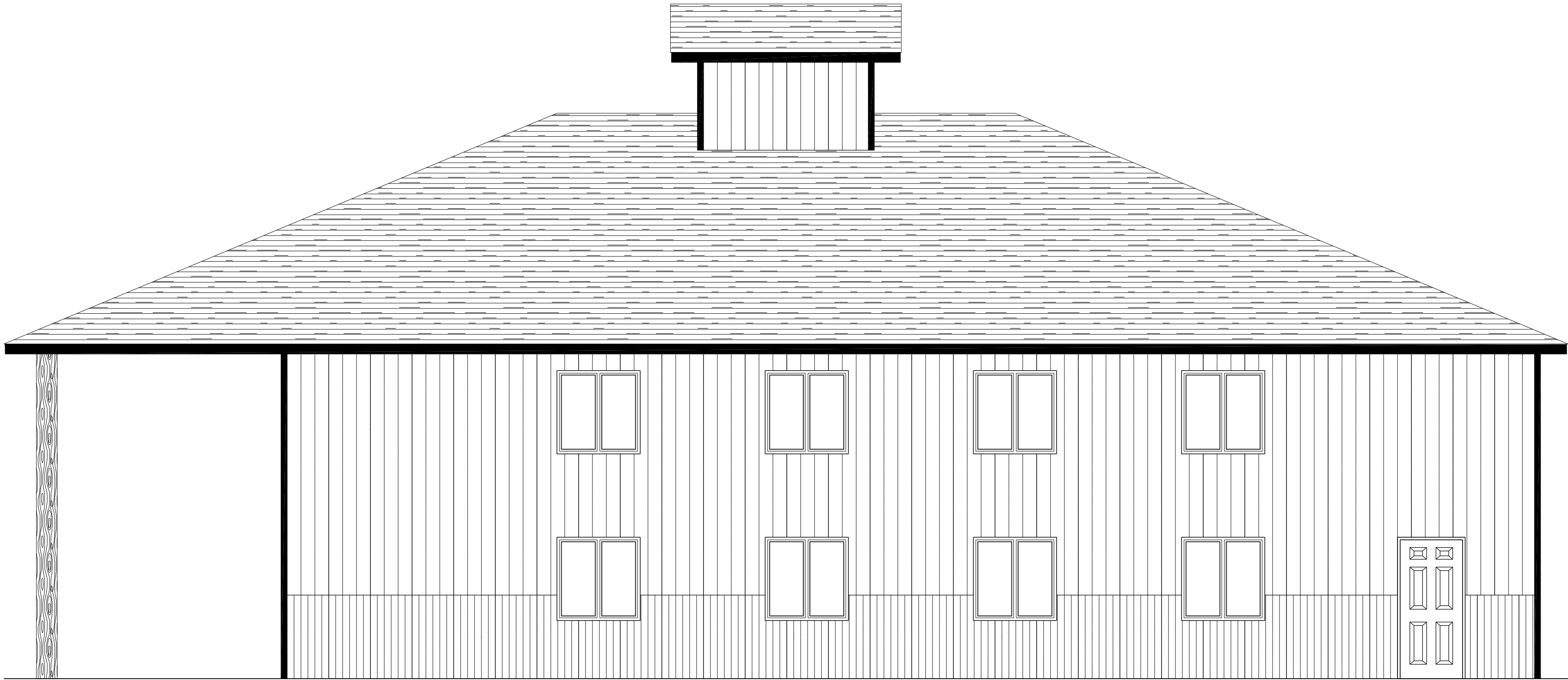
ANY CONSTRUCTION DOCUMENTS PRINTED  
BEFORE THIS DATE ARE VOID.

DATE: 8/21/2023

\* BUILDER TO VERIFY DIMENSIONS\*



LEFT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"

Section 2, Item A.

These general drawings are not produced by an Architect or Engineer/Architectural Firm. Before construction, the customer should consult a contractor or an architect to determine if these drawings need to be changed to satisfy: 1.) State or local building codes/regulations; 2.) the project location; 3.) the project site conditions; 4.) the project requirements. Builder FirstSource assumes no responsibility for claims or damages from errors, omissions, deficiencies, or defects of the drawings.

08.14.2023		
08.16.2023		
08.21.2023		

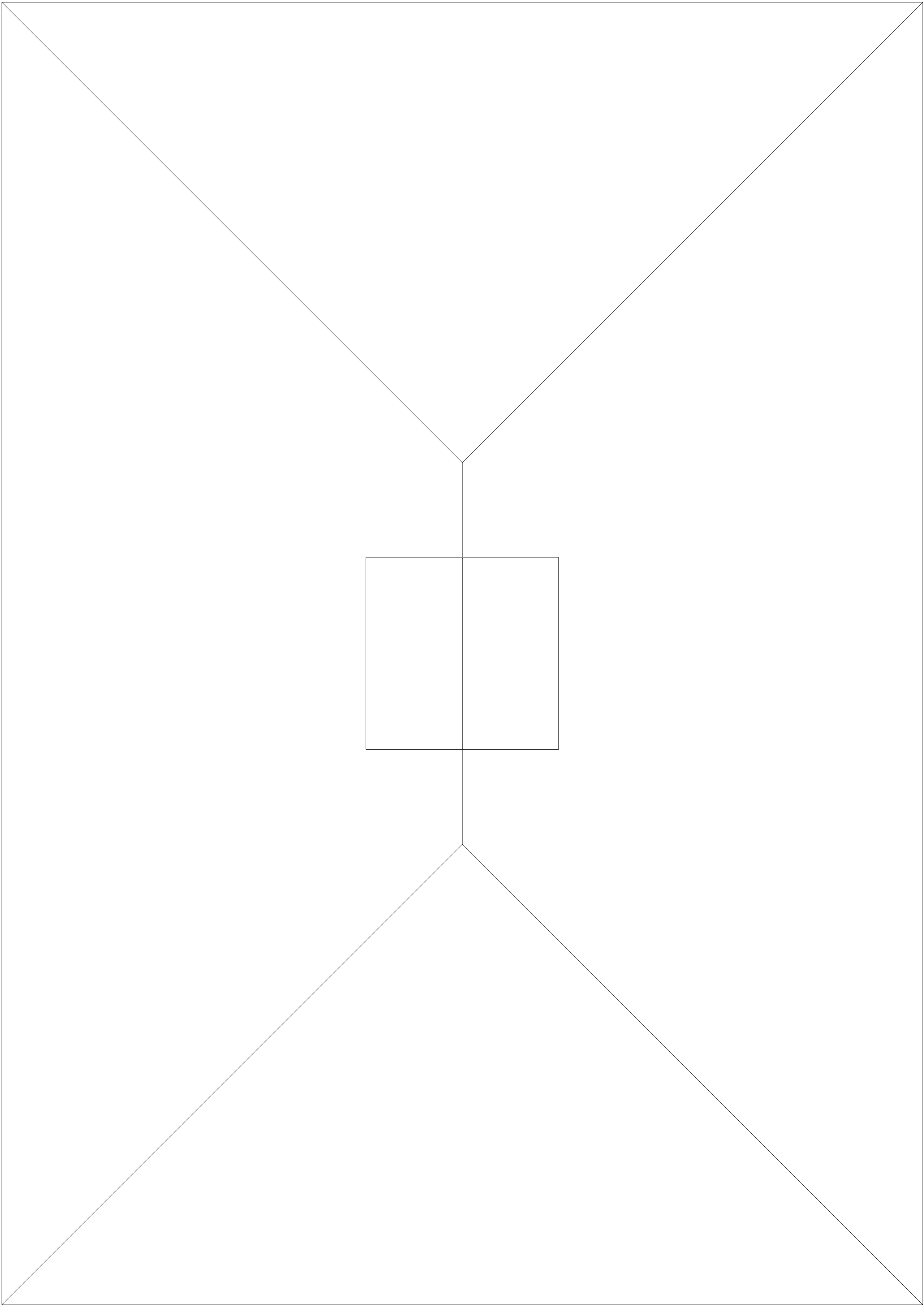
REVISIONS

**BUILDERS FIRSTSOURCE**  
SALES: DALE WANNER  
DRAWN BY: CLAIRE GRAYVUNDER

**ALFREDO SHOP**  
2 hour(s) 25 minute(s)

A5

26



TOP VIEW ELEVATION

SCALE: 1/4" = 1'-0"

CONSTRUCTION DRAWINGS

ANY CONSTRUCTION DOCUMENTS PRINTED  
BEFORE THIS DATE ARE VOID.

DATE: 8/21/2023

\* BUILDER TO VERIFY DIMENSIONS\*

These general drawings are not produced by an Architect or Engineer/Architectural Firm. Before construction, the customer should consult a contractor or an architect to determine if these drawings need to be changed to satisfy: 1.) State or local building codes/regulations, 2.) the project location, 3.) the project site conditions, 4.) the project requirements. The Builder FirstSource assumes no responsibility for claims or damages from errors, omissions, deficiencies, or defects of the drawings.

08.14.2023	
08.16.2023	
08.21.2023	

REVISIONS

BUILDERS FIRSTSOURCE  
SALES: DALE WANNER  
DRAIN BY: CLAIRE GRAYVUNDER

ALFREDO SHOP  
2 hour(s) 25 minute(s)



Alfredo Herreman

1575 37<sup>Th</sup> St E,

Dickinson, ND 58601

September 5, 2023

To whom might concern,

This letter is to explain the reasons my family and I must ask the county/city to build an oversize shop on our lot with an address mentioned above.

When we built our house 5 years ago, we never thought about the time when our teenager daughter will drive, now that she will be driving this winter, it would be nice to have the extra space in our heater garage for her. Right now, we have the space full due to our Polaris, that we use for snow removal, trailer with jet skis and my wife's car, and we just bought this last spring a fifth wheel camper 46 feet long by 14 feet tall... After I made a few calls to storage places with heat, we are looking anywhere from \$400-500 per month, ouch!! By the time we add that plus insurance it gets out of hand.

For last, we had our baby girl name Ivy couple years ago, and she and my wife end up taking my office space to make her room... I have been working from home since COVID-19, so I do spend a lot of time in the office, if it's allowed it, I would like to have an extra space in the shop for my office (Please see plans).

My plan is to make the shop look just like the house (matching) same colors and style, so it won't look commercial.

Respectfully,

Alfredo E. Herreman



## Staff Report

Section 2. Item B.

**To:** Board of Adjustment  
**From:** City of Dickinson Development Team  
**Date:** 10/2/2023  
**Re:** Request to Reduce Side Yard Setback from 10-feet to 6-feet

### OWNER/APPLICANT

Venture Commercial LLC  
 Aaron Grinsteinner  
 P.O. Box 1316  
 Dickinson, ND 58602

**Public Hearings:** {10/9/2023}

Board of Adjustment

### REQUEST

- A. Request:** Reduce Side Yard Setback from 10-feet to 6-feet
- B. Project Address/Legal Description/Area:** 220 West Broadway, Dickinson, County of Stark, ND 58601

### STAFF REVIEW AND RECOMMENDATIONS

**A. Compatibility with Current Uses:** This is an existing building which was constructed prior to the ownership of the applicant.

**B. Public Input:** No public comments at the time of this report.

The applicant is requesting to subdivide, utilizing the irregular plat process, a portion of Lot 2 and all of Lots 3 and 4 of Glacier Park Addition, located in the S1/2S1/2SE1/4 of Section 4, Township 139 North, Range 96 West of the 5<sup>th</sup> Principal Meridian, City of Dickinson, Stark County, North Dakota. During the plat review, Engineering and Community Development staff identified the existing buildings are in violation of the side yard setback on the west property line. The irregular plat cannot be approved by the City Engineer until the side yard setback variance is approved.

Table I: Current Zoning and Use

<b>ZONING</b>	<b>GI</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>Industrial</b>
<b>GROSS SITE ACREAGE</b>	<b>1.98</b>

Table II: Current Adjacent Land Use/Zoning

Direction	Zoning	Land Use
North	GI	Rail Road ROW
East	GI	Industrial Buildings
South	R3	Residential
West	GI	Industrial Buildings

Attachments:

- A - Application Material

**MOTIONS:**

**\*\*\*Approval\*\*\***

*“I move the City of Dickinson Board of Adjustment recommend Approval of a variance request to reduce the minimum side yard setback from 10-feet to 6-feet, 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 **request to reduce the minimum side yard setback from 10-feet to 6-feet** 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.”*

## APPLICATION MATERIALS

### ATTACHMENT A

Aerial Photo:

From: [Jotform](#)  
To: [Nicole Snyder](#); [Sylvia Miller](#); [Leonard W. Schwindt](#)  
Subject: Re: Board of Adjustment  
Date: Thursday, September 21, 2023 11:00:12 AM  
Attachments: [5711247986511246991\\_signature\\_33.png](#)  
[Lots 2-4, Block 1, Glacier Park - Purpose Statement \(2\).pdf](#)  
[220 & 300 West Broadway - Water & Sewer from Highlands.pdf](#)  
[5711247986511246991\\_signature\\_33.png](#)



### Board of Adjustment

Who is the applicant      Property Owner

Property Owner      Venture Commercial LLC

Property Owner's Phone Number      (701) 290-1298

Property Owner's Email      venturehomesnd.aaron@gmail.com

Applicant Name      Venture Commercial LLC

Applicant's Phone Number      (701) 290-1298

Applicant's Email      venturehomesnd.aaron@gmail.com

Property Location      220 West Broadway, Dickinson, ND, 58601

Property Legal Description      Lot 4, Block 1, Glacier Park Addition

Zoning District      GI

Existing Use      GI

Zoning/Use	Adjacent Zoning	Adjacent Use
North	GI	BNSF
South	R3	Single Fam Detached
East	GI	SW Grain
West	GI	Consolidated

General Description of Request      Request to reduce the west side yard setback on a GI zoned lot from the required 10 ft to a 6 ft setback.

Request to reduce the rear yard setback on a GI zoned lot from the required 20ft to a 0 ft setback.

Purpose Statement [Lots 2-4, Block 1, Glacier Park - Purpose Statement \(2\).pdf](#)

Site Plan [220 & 300 West Broadway - Water & Sewer from Highlands.pdf](#)

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

See attached purpose statement

Zoning Code Sections Relevant to this Request

39.04.005

Have any previous applications of appeals been filed in connection with this property?

No

Applicant/Property Owner Signature



Date

09-21-2023

Board of Adjustment	Board of Adjustment	150.00 USD
Total:		\$150.00
Transaction ID:		71xsk533

==Payer Info==

First Name	Aaron
Last Name	Grinsteiner

You can [edit this submission](#) and [view all your submissions](#) easily.

WATER NOTES

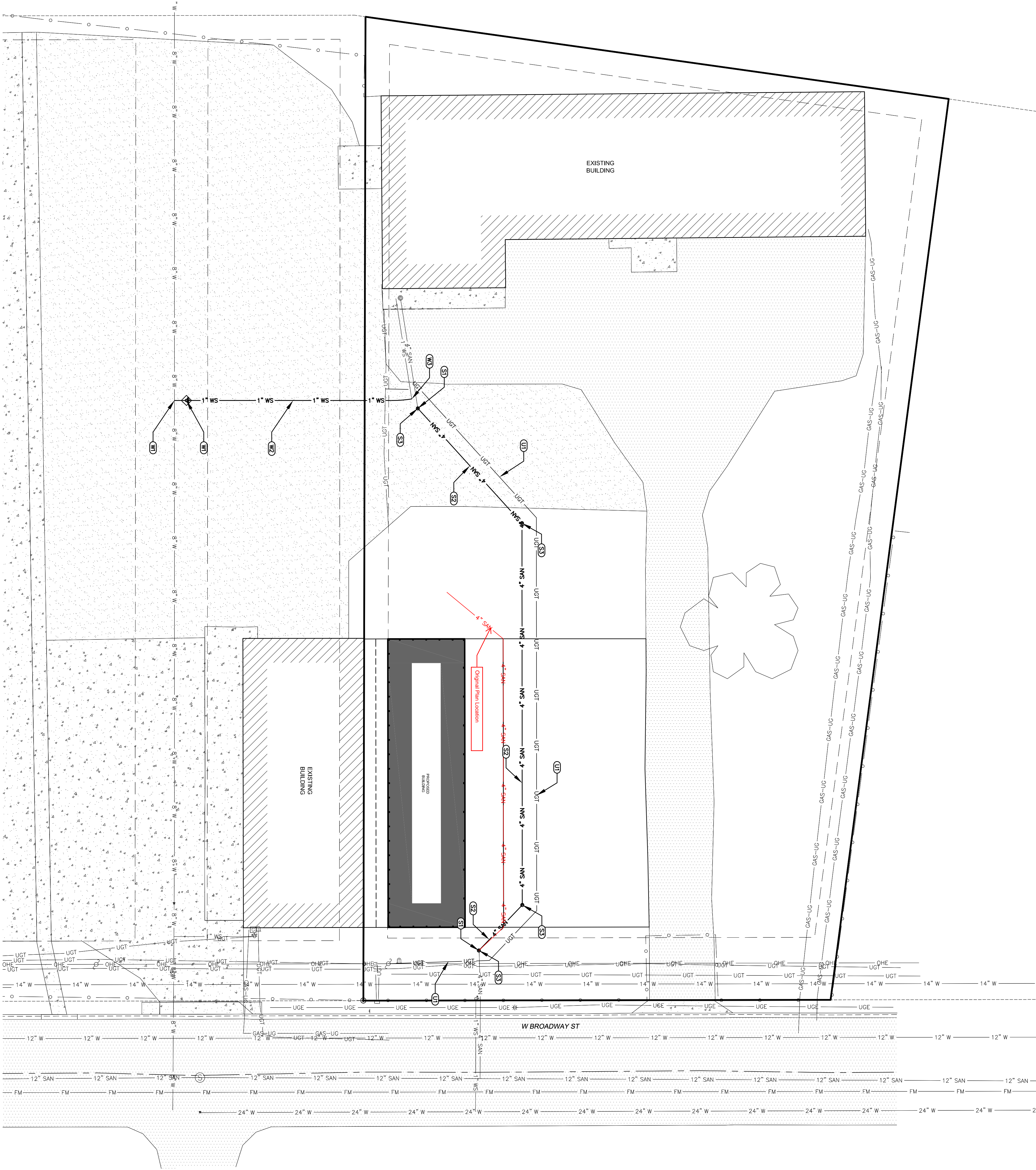
- W1. CONNECT TO EXISTING WATER MAIN PER DETAIL "W1" IN LOCATION SHOWN. INCLUDE IN THE UNIT PRICE BID FOR "4" SANITARY SERVICE LINE."
- W2. INSTALL 4-INCH SANITARY SEWER SERVICE LINE IN LOCATIONS SHOWN. INCLUDE IN THE UNIT PRICE BID FOR "1" WATER SERVICE LINE."
- W3. CONNECT TO EXISTING 4-INCH WATER SERVICE LINE IN LOCATIONS SHOWN. INCLUDE IN THE UNIT PRICE BID FOR "1" WATER SERVICE LINE."

SANITARY SEWER NOTES

- S1. CONNECT TO EXISTING 4-INCH SANITARY SEWER SERVICE LINE IN LOCATION SHOWN. INCLUDE IN THE UNIT PRICE BID FOR "4" SANITARY SERVICE LINE."
- S2. INSTALL 4-INCH SANITARY SEWER SERVICE LINE IN LOCATIONS SHOWN. INCLUDE IN THE UNIT PRICE BID FOR "4" SANITARY SERVICE LINE."
- S3. INSTALL SANITARY SEWER CLEANOUTS PER DETAIL "S3" IN LOCATIONS SHOWN. INCLUDE IN THE UNIT PRICE BID FOR "4" SANITARY SERVICE LINE."

UTILITY NOTES

- U1. PROPOSED UTILITY RELOCATION THAT HAS BEEN DISCUSSED WITH UTILITIES CONTRACTORS TO COORDINATE AND VERIFY LOCATION WITH UTILITIES. COSTS OF RELOCATION TO BE PAID BY OWNER.



PRELIMINARY



**HIGHLANDS**  
ENGINEERING

319 24TH STREET EAST  
DICKINSON, ND 58601  
OFFICE: 701.483.2444  
WWW.HIGHLANDSENG.COM

**DICKINSON SCHOOL BUS BARN**  
DICKINSON PUBLIC SCHOOLS  
DICKINSON, NORTH DAKOTA

DRAWN BY:

MJR

DATE:

5/13/2020

PROJECT NUMBER:

200075

SHEET:

**C400**  
UTILITY LAYOUT

# 220 WEST BROADWAY STREET SIDE YARD SETBACK VARIANCE

Section 2. Item B.



# 220 WEST BROADWAY STREET SIDE YARD SETBACK VARIANCE



September 21st, 2023

Joshua Skluzacek, Matthew Galibert, & City Staff  
City of Dickinson  
38 1st Street West  
Dickinson, ND 58601

### Zoning Variance Request

Venture Commercial LLC desires to replat a portion of Lot 2 and all of Lots 3 & 4, Block 1, Glacier Park Addition, hereinafter the “Subject Property” via an irregular plat submittal to the City. The Subject Property can be identified as parcel numbers 6090-0100-0300 and 6090-0100-0400 within the City of Dickinson’s tax identification system. All lots within the Subject Property are zoned General Industrial. The purpose of this replat is to reconfigure some of the existing lot lines to create three separate parcels from the Subject Property. It should also be noted that Consolidated Telcom has agreed to include the remainder of Lot 2, Block 1, Glacier Park Addition, which Consolidated currently owns, on the irregular plat. The approximate western 91.22’ feet of the Subject Property will be removed from 6090-0100-0300 and subsequently added to Consolidated Telcom’s existing property through the irregular plat process. The remaining portions of the Subject Property will be two separate lots with boundaries that are created through the irregular plat. Currently, the Subject Property contains four structures; a ~32’x314’ bus enclosure, a 50’x120’ building, a 36’x120’ bus enclosure, and a 60’x200’ building.

With the current lot lines and building locations, two of the four previously described structures are in violation of one or more of the minimum required setbacks for a General Industrial lot.. The 50’x120’ building is in violation of the minimum side yard setback because it is closer than 10’ to the east existing property line of 6090-0100-0300. The 60’x200’ violates the minimum side yard setback and also the minimum rear yard setback on parcel 6090-0100-0400.

Venture Commercial LLC is requesting a variance from the minimum required side yard and rear yard setbacks for these parcels. Again, these are existing violations that have been present for many years. Furthermore, it should be noted that existing structures on multiple surrounding properties are also in violation of these same setback requirements. The property directly to the east 6090-0100-0500 has a building that is in violation of both the side yard setback and rear yard setback requirements. The two adjacent properties (6090-0100-0600 and 6090-0100-0700) further east are both in violation of the minimum rear yard setback as well. Therefore, I believe it would be reasonable to grant the variance request for the Subject Properties as well because it is common for the minimum setbacks to be violated in this area.

Furthermore, an approval of this variance request would allow Venture Commercial LLC to proceed with its irregular plat of the Subject Property. The newly proposed lot lines on the irregular plat would remove one of the existing minimum setback violations described above. The side yard setback violation of the 60'x200' building would be removed because the existing western lot line on the northern portion of that lot would be moved further west, which would result in an increased side yard setback.

If the City chooses to grant the requested variance, it will promote the intent of the City of Dickinson Municipal Code and promote the public safety and the welfare because it would allow Venture Commercial LLC to complete its irregular plat of the Subject Property. The purpose of the proposed irregular plat is to provide Venture Commercial the ability to sell the resulting properties from the irregular plat. The subsequent resale of these resulting properties to multiple buyers will likely result in investment and improvements to the existing buildings by the buyers. This would enhance the appearance and usage of this area.

Lastly, the requested variance would not negatively impact neighboring property owners because it would simply acknowledge the setback violations that currently exist with these properties and the existing platted lots. Furthermore, as was previously stated, many of the neighboring properties do in fact have similar violations on their own properties as well, so it would be unlikely that they would be opposed to such variance. Therefore, it would represent conformity with existing neighboring structures, which would have no negative impact on the neighboring properties. See the photo below for an aerial depiction of the surrounding properties.





Venture Commercial LLC appreciates City Staff's time and consideration in this matter. If Staff has any additional questions for Venture, please feel free to reach out to me at the contact information below.

Respectfully,

Aaron Grinsteinner

*Vice President*

*Venture Commercial LLC*

*701-290-1298*

*venturehomesnd.aaron@gmail.com*



## Staff Report

Section 2. Item C.

**To:** Board of Adjustment  
**From:** City of Dickinson Development Team  
**Date:** 10/2/2023  
**Re:** Request to Reduce Side Yard Setback from 10-feet to 0-feet

### OWNER/APPLICANT

Venture Commercial LLC  
 Aaron Grinsteinner  
 P.O. Box 1316  
 Dickinson, ND 58602

**Public Hearings:** {10/9/2023}

Board of Adjustment

### REQUEST

- A. Request:** Reduce Side Yard Setback from 10-feet to 0-feet
- B. Project Address/Legal Description/Area:** 300 West Broadway, Dickinson, County of Stark, ND 58601

### STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Current Uses:** This is an existing building which was constructed prior to the ownership of the applicant.
- B. Public Input:** No public comments at the time of this report.

The applicant is requesting to subdivide, utilizing the irregular plat process, a portion of Lot 2 and all of Lots 3 and 4 of Glacier Park Addition, located in the S1/2S1/2SE1/4 of Section 4, Township 139 North, Range 96 West of the 5<sup>th</sup> Principal Meridian, City of Dickinson, Stark County, North Dakota. During the plat review, Engineering and Community Development staff identified the existing bus barn building is in violation of the side yard setbacks on both the east and west property lines. The irregular plat cannot be approved by the City Engineer until the side yard setback variance is approved.

Table I: Current Zoning and Use

<b>ZONING</b>	<b>GI</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>Industrial</b>
<b>GROSS SITE ACREAGE</b>	<b>1.92</b>

Table II: Current Adjacent Land Use/Zoning

<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	<b>GI</b>	<b>Rail Road ROW</b>
<b>East</b>	<b>GI</b>	<b>Industrial Buildings</b>
<b>South</b>	<b>R3</b>	<b>Residential</b>
<b>West</b>	<b>GI</b>	<b>Industrial Buildings</b>

#### Attachments:

- A - Application Material

### **MOTIONS:**

#### **\*\*\*Approval\*\*\***

*"I move the City of Dickinson Board of Adjustment recommend Approval of a variance request to reduce the minimum side yard setback from 10-feet to 0-feet, 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 **request to reduce the minimum side yard setback from 10-feet to 0-feet** 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."*

## APPLICATION MATERIALS

### ATTACHMENT A

Aerial Photo:

From: [Jotform](#)  
To: [Nicole Snyder](#); [Sylvia Miller](#); [Leonard W. Schwindt](#)  
Subject: Re: Board of Adjustment  
Date: Thursday, September 21, 2023 6:36:27 AM  
Attachments: [5711089696519396478\\_signature\\_33.png](#)  
[Lots 2-4, Block 1, Glacier Park - Purpose Statement \(1\).pdf](#)  
[220 & 300 West Broadway - Water & Sewer from Highlands.pdf](#)  
[231171 Boundary Exhibit Aerial-08-25-23 \(1\).pdf](#)  
[231181 Irregular Plat - Glacier Park - 2023-09-18 Signed \(1\) \(1\).pdf](#)  
[5711089696519396478\\_signature\\_33.png](#)



## Board of Adjustment

Who is the applicant      Property Owner

Property Owner      Venture Commercial LLC

Property Owner's Phone Number      (701) 290-1298

Property Owner's Email      vetnurehomesnd.aaron@gmail.com

Applicant Name      Venture Commercial LLC

Applicant's Phone Number      (701) 290-1298

Applicant's Email      venturehomesnd.aaron@gmail.com

Property Location      220 & 300 West Broadway, Dickinson, ND, 58601


Property Legal Description      The easterly 42.64 feet of the southerly 185.45 feet of Lot 2 and all of Lots 3 & 4, Block 1, Glacier Park Addition

Zoning District      General Industrial

Existing Use      Formerly DPS Bus Barn

Zoning/Use

	Adjacent Zoning	Adjacent Use
North	GI	Burlington Northern
South	R3	Single Family Detached
East	GI	SW Grain
West	GI	Consolidated

General Description of Request	Variance from Minimum Required Side Yard & Rear Yard Setbacks	
Purpose Statement	<a href="#">Lots 2-4, Block 1, Glacier Park - Purpose Statement (1).pdf</a>	
Site Plan	<a href="#">220 &amp; 300 West Broadway - Water &amp; Sewer from Highlands.pdf</a> <a href="#">231171 Boundary Exhibit Aerial-08-25-23 (1).pdf</a> <a href="#">231181 Irregular Plat - Glacier Park - 2023-09-18 Signed (1) (1).pdf</a>	
Describe how the hardship is not shared generally by other properties in the same zoning district and the same vicinity	See attached purpose request. Please note that the attached proposed irregular plat will be modified to include the existing Consolidated parcel located to the west.	
Zoning Code Sections Relevant to this Request	Section 39.04.005 - Development regulations	
Have any previous applications of appeals been filed in connection with this property?	<div>No</div>	
Applicant/Property Owner Signature		
Date	09-21-2023	
Board of Adjustment	Board of Adjustment	150.00 USD
	Total:	\$150.00
	Transaction ID:	ek4sd6py
	==Payer Info== First Name Aaron Last Name Grinsteinner	

You can [edit this submission](#) and [view all your submissions](#) easily.

BOUNDARY EXHIBIT

A PORTION OF LOTS 2 & 3, BLOCK 1, GLACIER PARK ADDITION  
S½S½SE¼ SECTION 4, TOWNSHIP 139 NORTH, RANGE 96 WEST  
OF THE 5th PRINCIPAL MERIDIAN, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



LEGEND

- PROPERTY BOUNDARY
- PROPERTY LOT LINE
- EXISTING LOT LINE
- FENCE
- FOUND PROPERTY CORNER



**HIGHLANDS**  
ENGINEERING

OFFICE: 701.483.2444  
WWW.HIGHLANDSENG.COM

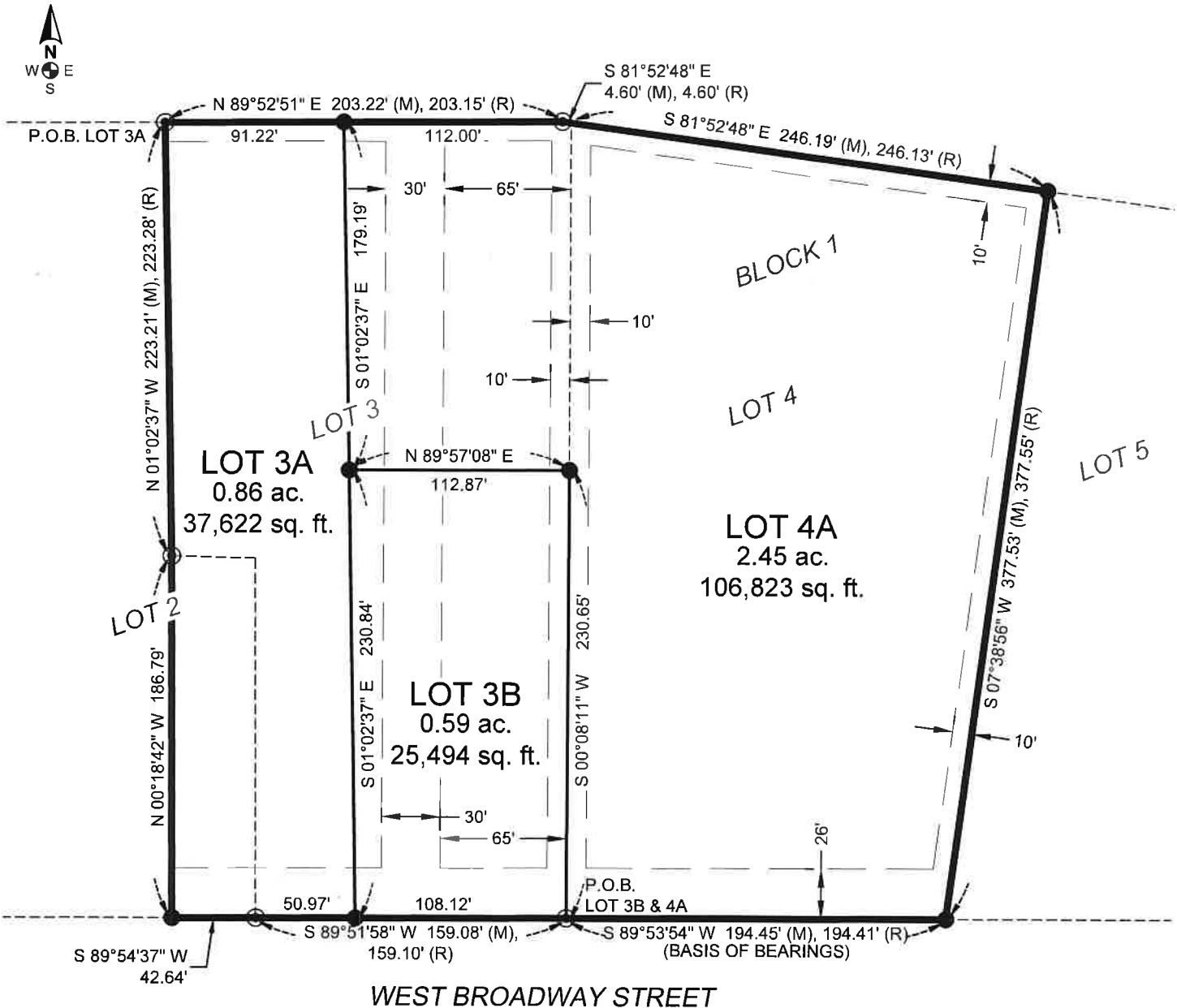
SURVEY REQUESTED BY: VENTURE COMMERCIAL, LLC		
PROJECT NUMBER:	231171	SCALE.: 1"=50'
DRAWN BY:	AJA	DATE: 08/25/23
SHEET NUMBER:	1 of 1	

IRREGULAR PLAT OF LOTS 3A, 3B & 4A

A PORTION OF LOT 2 AND ALL OF LOTS 3 & 4, BLOCK 1, GLACIER PARK ADDITION

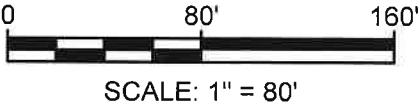
S½S½SE¼ SECTION 4, TOWNSHIP 139 NORTH, RANGE 96 WEST

OF THE 5th PRINCIPAL MERIDIAN, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



SURVEY NOTES

- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- THE BASIS OF BEARINGS FOR THIS SURVEY IS THE SOUTH LINE OF LOT FOUR (4), BLOCK ONE (1), GLACIER PARK ADDITION WITH THE BEARING BEING S 89°53'54" W, THAT WAS LOCATED BY A GPS OBSERVATION FROM LAT: 46°54'28.09983" / LONG: 102°46'51.54681", BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.



LEGEND

- PROPERTY BOUNDARY
- PROPERTY LOT LINE
- EXISTING LOT LINE
- EXISTING UTILITY EASEMENT
- FOUND PROPERTY CORNER
- SET #5-18" REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- P.O.B. POINT OF BEGINNING



I, KC Homiston, Registered Professional Land Surveyor, LS-5466, do hereby certify that the survey plat shown hereon was made by me, or under my direction, and is true and correct to the the best of my knowledge and belief.

SURVEY REQUESTED BY: VENTURE COMMERCIAL, LLC

PROJECT NUMBER: 231181 SCALE.: 1"=80'

DRAWN BY: AJA DATE: 09/11/23

SHEET NUMBER: 1 of 3

**IRREGULAR PLAT OF LOTS 3A, 3B & 4A**  
A PORTION OF LOT 2 AND ALL OF LOTS 3 & 4, BLOCK 1, GLACIER PARK ADDITION  
S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub> SECTION 4, TOWNSHIP 139 NORTH, RANGE 96 WEST  
OF THE 5th PRINCIPAL MERIDIAN, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

LOT 3A BOUNDARY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOTS TWO (2) AND THREE (3), BLOCK ONE (1), GLACIER PARK ADDITION LOCATED IN THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>) OF SECTION FOUR (4), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT THREE (3) BEING A FOUND REBAR; THENCE N 89°52'51" E ALONG THE NORTH LINE OF SAID LOT THREE (3), A DISTANCE OF 91.22 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 01°02'37" E LEAVING SAID NORTH LINE, A DISTANCE OF 179.19 FEET TO A SET REBAR AND CAP LS-5466; THENCE CONTINUING S 01°02'37" E, A DISTANCE OF 230.84 FEET TO A SET REBAR AND CAP LS-5466 ON THE SOUTH LINE OF SAID LOT THREE (3); THENCE S 89°51'58" W ALONG SAID SOUTH LINE, A DISTANCE OF 50.97 FEET TO A FOUND REBAR AT THE SOUTHEAST CORNER OF SAID LOT TWO (2); THENCE S 89°54'37" W ALONG THE SOUTH LINE OF SAID LOT TWO (2), A DISTANCE OF 42.64 FEET TO A SET REBAR AND CAP LS-5466; THENCE N 00°18'42" W LEAVING SAID SOUTH LINE, A DISTANCE OF 186.79 FEET TO A FOUND REBAR; THENCE N 01°02'37" W, A DISTANCE OF 223.21 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.86 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

LOT 3B BOUNDARY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT THREE (3), BLOCK ONE (1), GLACIER PARK ADDITION LOCATED IN THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>) OF SECTION FOUR (4), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT THREE (3) BEING A FOUND REBAR; THENCE S 89°51'58" W ALONG THE SOUTH LINE OF SAID LOT THREE (3), A DISTANCE OF 108.12 FEET TO A SET REBAR AND CAP LS-5466; THENCE N 01°02'37" W LEAVING SAID SOUTH LINE, A DISTANCE OF 230.84 FEET TO A SET REBAR AND CAP LS-5466; THENCE N 89°57'08" E, A DISTANCE OF 112.87 FEET TO A SET REBAR AND CAP LS-5466 ON THE EAST LINE OF SAID LOT THREE (3); THENCE S 00°08'11" W ALONG SAID EAST LINE, A DISTANCE OF 230.65 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.59 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

LOT 4A BOUNDARY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT THREE (3) AND ALL OF LOT FOUR (4), BLOCK ONE (1), GLACIER PARK ADDITION LOCATED IN THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>) OF SECTION FOUR (4), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT FOUR (4) BEING A FOUND REBAR; THENCE N 00°08'11" E ALONG THE WEST LINE OF SAID LOT FOUR (4), A DISTANCE OF 230.65 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 89°57'08" W LEAVING SAID WEST LINE, A DISTANCE OF 112.87 FEET TO A SET REBAR AND CAP LS-5466; THENCE N 01°02'37" W, A DISTANCE OF 179.19 FEET TO A SET REBAR AND CAP LS-5466 ON THE NORTH LINE OF SAID LOT THREE (3); THENCE N 89°52'51" E ALONG SAID NORTH LINE, A DISTANCE OF 112.00 FEET TO A FOUND REBAR; THENCE S 81°52'48" E ALONG SAID NORTH LINE, A DISTANCE OF 4.60 FEET TO THE NORTHWEST CORNER OF SAID LOT FOUR (4); THENCE CONTINUING S 81°52'48" E ALONG THE NORTH LINE OF SAID LOT FOUR (4), A DISTANCE OF 246.19 FEET TO A SET REBAR AND CAP LS-5466 AT THE NORTHEAST CORNER OF SAID LOT FOUR (4); THENCE S 07°38'56" W ALONG THE EAST LINE OF SAID LOT FOUR (4), A DISTANCE OF 377.53 FEET TO A SET REBAR AND CAP LS-5466 AT THE SOUTHEAST CORNER OF SAID LOT FOUR (4); THENCE S 89°53'54" W ALONG THE SOUTH LINE OF SAID LOT FOUR (4), A DISTANCE OF 194.45 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.45 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.



I, KC Homiston, Registered Professional Land Surveyor, LS-5466, do hereby certify that the survey plat shown hereon was made by me, or under my direction, and is true and correct to the the best of my knowledge and belief.

SURVEY REQUESTED BY: VENTURE COMMERCIAL, LLC		
PROJECT NUMBER:	231181	SCALE: N/A
DRAWN BY:	AJA	DATE: 09/11/23
SHEET NUMBER:	2 of 3	

IRREGULAR PLAT OF LOTS 3A, 3B & 4A

A PORTION OF LOT 2 AND ALL OF LOTS 3 & 4, BLOCK 1, GLACIER PARK ADDITION

S½S½SE¼ SECTION 4, TOWNSHIP 139 NORTH, RANGE 96 WEST

OF THE 5th PRINCIPAL MERIDIAN, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

SURVEYOR'S CERTIFICATE

I, KC HOMISTON, REGISTERED PROFESSIONAL LAND SURVEYOR, LS-5466, FOR HIGHLANDS ENGINEERING AND SURVEYING, PLLC, RESIDING AT 319 24TH STREET EAST, DICKINSON, N.D., DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON WAS MADE BY ME, OR UNDER MY DIRECTION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

KC Homiston  
KC HOMISTON, LS-5466



PROPRIETOR'S CERTIFICATE

WE, VENTURE COMMERCIAL, LLC, OWNER AND PROPRIETOR OF THE WITHIN DESCRIBED PROPERTY IN ACCORDANCE WITH SECTION 39.030 OF THE DICKINSON MUNICIPAL CODE OF 2014, AND UPON DEMAND OF THE COUNTY AUDITOR OF STARK COUNTY, NORTH DAKOTA HAVE CAUSED TO BE MADE THE WITHIN AND FOREGOING PLAT OF SAID LAND WITH THE LOTS AS HEREIN DESCRIBED, AND HAVE CAUSED THE SAME TO BE PLACED ON RECORD AS PROVIDED BY LAW.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

BY: VENTURE COMMERCIAL, LLC (REPRESENTATIVE)  
AARON GRINSTEINER

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED AARON GRINSTEINER, TO ME KNOWN TO BE THE SAME PERSONS DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC  
RESIDING AT COUNTY OF \_\_\_\_\_, STATE OF \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

CERTIFICATE OF APPROVAL

DATED \_\_\_\_\_, 20\_\_\_\_

CITY ENGINEER, CITY OF DICKINSON

SURVEY REQUESTED BY: VENTURE COMMERCIAL, LLC			
PROJECT NUMBER:	231181	SCALE.:	N/A
DRAWN BY:	AJA	DATE:	09/11/23
SHEET NUMBER:	3 of 3		

# 300 WEST BROADWAY STREET SIDE YARD SETBACK VARIANCE

Section 2. Item C.



# 300 WEST BROADWAY STREET SIDE YARD SETBACK VARIANCE

Section 2. Item C.



September 21st, 2023

Joshua Skluzacek, Matthew Galibert, & City Staff  
City of Dickinson  
38 1st Street West  
Dickinson, ND 58601

### Zoning Variance Request

Venture Commercial LLC desires to replat a portion of Lot 2 and all of Lots 3 & 4, Block 1, Glacier Park Addition, hereinafter the “Subject Property” via an irregular plat submittal to the City. The Subject Property can be identified as parcel numbers 6090-0100-0300 and 6090-0100-0400 within the City of Dickinson’s tax identification system. All lots within the Subject Property are zoned General Industrial. The purpose of this replat is to reconfigure some of the existing lot lines to create three separate parcels from the Subject Property. It should also be noted that Consolidated Telcom has agreed to include the remainder of Lot 2, Block 1, Glacier Park Addition, which Consolidated currently owns, on the irregular plat. The approximate western 91.22’ feet of the Subject Property will be removed from 6090-0100-0300 and subsequently added to Consolidated Telcom’s existing property through the irregular plat process. The remaining portions of the Subject Property will be two separate lots with boundaries that are created through the irregular plat. Currently, the Subject Property contains four structures; a ~32’x314’ bus enclosure, a 50’x120’ building, a 36’x120’ bus enclosure, and a 60’x200’ building.

With the current lot lines and building locations, three of the four previously described structures are in violation of one or more of the minimum required setbacks for a General Industrial lot. The 32’x314’ bus enclosure is currently in violation of the minimum side yard setback because it is closer than 10’ to the west existing property line of parcel 6090-0100-0300. The 50’x120’ building is also in violation of the minimum side yard setback because it is closer than 10’ to the east existing property line of 6090-0100-0300. The 60’x200’ violates the minimum side yard setback and also the minimum rear yard setback on parcel 6090-0100-0400.

Venture Commercial LLC is requesting a variance from the minimum required side yard and rear yard setbacks for these parcels. Again, these are existing violations that have been present for many years. Furthermore, it should be noted that existing structures on multiple surrounding properties are also in violation of these same setback requirements. The property directly to the east 6090-0100-0500 has a building that is in violation of both the side yard setback and rear yard setback requirements. The two adjacent properties (6090-0100-0600 and 6090-0100-0700) further east are both in violation of the minimum rear yard setback as well. Therefore, I believe it would be reasonable to grant the variance request for the Subject Properties as well because it is common for the minimum setbacks to be violated in this area.

Furthermore, an approval of this variance request would allow Venture Commercial LLC to proceed with its irregular plat of the Subject Property. The newly proposed lot lines on the irregular plat would remove two of the existing minimum setback violations described above. The 32'x314' bus enclosure would become compliant upon completion of the replat because the existing western lot line would be moved further to the east so the 91.22' would become part of Consolidated property. Additionally, the side yard setback violation of the 60'x200' building would be removed because the existing western lot line on the northern portion of that lot would be moved further west, which would result in an increased side yard setback.

If the City chooses to grant the requested variance, it will promote the intent of the City of Dickinson Municipal Code and promote the public safety and the welfare because it would allow Venture Commercial LLC to complete its irregular plat of the Subject Property. The purpose of the proposed irregular plat is to provide Venture Commercial the ability to sell the resulting properties from the irregular plat. The subsequent resale of these resulting properties to multiple buyers will likely result in investment and improvements to the existing buildings by the buyers. This would enhance the appearance and usage of this area.

Lastly, the requested variance would not negatively impact neighboring property owners because it would simply acknowledge the setback violations that currently exist with these properties and the existing platted lots. Furthermore, as was previously stated, many of the neighboring properties do in fact have similar violations on their own properties as well, so it would be unlikely that they would be opposed to such variance. Therefore, it would represent conformity with existing neighboring structures, which would have no negative impact on the neighboring properties. See the photo below for an aerial depiction of the surrounding properties.



Venture Commercial LLC appreciates City Staff's time and consideration in this matter. If Staff has any additional questions for Venture, please feel free to reach out to me at the contact information below.

Respectfully,

Aaron Grinsteinner

*Vice President*

*Venture Commercial LLC*

*701-290-1298*

*venturehomesnd.aaron@gmail.com*