



# BOARD OF ADJUSTMENT MEETING AGENDA

Monday, August 11, 2025 at 7:30 AM  
City Hall – 38 1st Street West Dickinson, ND 58601

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## Commissioners:

**Chairman:** Shawn Soehren

**Vice Chairman:** Trevor Ernst

Troy Bosch

Pat Bren

Bruce Burke

**CALL TO ORDER**

**ROLL CALL**

**OPENING CEREMONIES: PLEDGE OF ALLEGIANCE**

**1. STANDARD MOTIONS:**

**A. JULY 2025 MINUTES**

**2. REGULAR AGENDA:**

**A. 343 & 359 9TH AVENUE E - REQUEST TO REDUCE THE MINIMUM SQUARE FOOTAGE REQUIREMENT ON A R3 ZONED LOT FOR MULTIFAMILY**

1). Request to reduce the minimum requirement on a R3 zoned lot for multifamily from 16000 square ft. to 10,619 square ft. on proposed L1, B1, SILVERGATE ADDITION currently defined as S185' N270' E125' BLOCK C, MESSERSMITH & SIMPSON 2ND ADDITION.

2). Request to reduce the minimum requirement on a R3 zoned lot for multifamily from 16000 square ft. to 13,619 square ft. on proposed L2, B1, SILVERGATE ADDITION currently defined as S185' N270' E125' BLOCK C, MESSERSMITH & SIMPSON 2ND ADDITION.

**3. PUBLIC ISSUES OF CONCERN NOT ON AGENDA**

**4. OTHER BUSINESS**

**5. ADJOURNMENT**

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

<https://youtu.be/oFo2TNR8unc>

**This link will not be live until approximately 7:30 am on August 11, 2025.**

**Teams Meeting:** <https://tinyurl.com/4t9bx9b4>

**Teams Meeting ID:** 290 789 900 488 3

**Meeting Passcode:** 36Yo6xw2

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

**Phone Conference ID:** 178 065 659#

**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

Monday, July 14, 2025 at 7:30 AM  
City Hall – 38 1st Street West Dickinson, ND 58601

**Commissioners:**

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

**CALL TO ORDER**

Meeting called to order at 7:30AM.

**ROLL CALL**

**PRESENT**

Trevor Ernst  
Pat Bren  
Bruce Burke  
Shawn Soehren

**ABSENT**

Troy Bosch

**OPENING CEREMONIES:**

PLEDGE OF ALLEGIANCE

**1. STANDARD MOTIONS**

**A. JUNE 9TH, 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. 275 PALM BEACH ROAD - REQUEST TO EXCEED MAXIMUM SQ FOOTAGE OF DETACHED ACCESSORY STRUCTURES ON A PROPERTY**

Variance request to exceed the maximum square footage of detached accessory structures on a Rural Residential RR zoned lot in the ETZ Zoning of the City of Dickinson, ND. This property is located at 275 Palm Beach Road - STABLE ESTATE SUB L4 B1 2.83 ACRES 8-139-96.

Variance presented by Chairman Shawn Soehren. Building Official Leonard Schwindt states that the request is to exceed the maximum square footage by 208 sq. ft. Applicant John Schneider states that he is looking to set a covered patio on his property. Schneider will plant trees on the North and West sides of the structure to be made not be visible, considering the location of the proposed structure already hides it from the South and East.

Schneider explains that in the last month he has removed another structure property to reduce the square footage of detached accessory structures on his property. This is confirmed by Schwindt.

Board Member Bruce Burke inquires about any comments from the public in regard to the variance request. Schwindt responds that he has received one phone call asking what the variance request is pertaining to, and the caller was not concerned about the variance being requested.

Board Member Trevor Ernst inquires about the property's detached accessory structures being discussed in the past. Schwindt confirms that this has been discussed, however the previously discussed structures are located on a different lot from the one being discussed at this meeting.

Ernst inquires if there is any issue with the structure in front of the house on the property. Schwindt responds that the structure is compliant with code as it is beyond the minimum setback requirement from the property line.

Motion to recommend approval of the variance to exceed the minimum square footage of detached accessory structures under the condition that no other additional permitted or nonpermitted structures are added in the future.

**Motion made by Burke, Seconded by Bren.**  
**Voting Yea:** Ernst, Bren, Burke, Soehren

**3. OTHER BUSINESS**

**A. PUBLIC COMMENTS NOT ON AGENDA**

Ethan Bahr, at 1237 44th Avenue W in Dickinson, ND explains that he submitted an application to the Board of Adjustment for a fence. Bahr is attending this meeting prior to approval of being on the next agenda for the upcoming BOA meeting due to a timing issue with the project at hand. Bahr explains that he was initially given permission to build a fence on the property line, but is now being told the fence cannot be built there due to setback requirements.

City Engineer Joshua Skluzacek explains to Bahr that since this topic has not been added to the agenda as an item for this meeting, the members of the Board of Adjustment will not be able to take any action at this time. Skluzacek recommends that Bahr calls him to discuss what the options are moving forward for a quick resolution.

**4. ADJOURNMENT**

Motion to adjourn 7:44AM.

**Motion made by Bren, Seconded by Ernst.**  
**Voting Yea:** Ernst, Bren, Burke, Soehren

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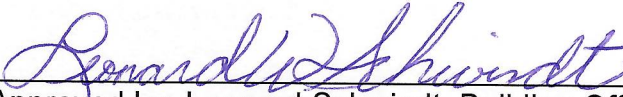
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Prepared by: Kylee Zastoupil, Administrative Assistant  
Community Development & Engineering



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Approved by: Leonard Schwindt, Building Official



**To:** Board of Adjustment  
**From:** City of Dickinson Development Team  
**Date:** {8/11/2025}  
**Re:** Variance to reduce the minimum square footage requirement of a R3 zoned lot

**Owner/APPLICANT**

Applicant  
Eastmore Financial, LLC  
C/O Heart River Management  
1156 21<sup>st</sup> Street W  
Dickinson, ND 58601

**Public Hearings:** {8/11/2025} Board of Adjustment

**REQUEST**

- A. Request:** Reduce the minimum requirement on a R3 zoned lot for multifamily from 16000 square ft. to 10,619 square ft. on proposed L1, B1, SILVERGATE ADDITION and reduce the minimum requirement on a R3 zoned lot for multifamily from 16000 square ft. to 13,619 square ft. on proposed L2, B1, SILVERGATE ADDITION currently defined as S185' N270' E125' BLOCK C, MESSERSMITH & SIMPSON 2ND ADDITION.
- B. Project Address/Legal Description/Area:** 343 & 359 9<sup>th</sup> Avenue E - S185' N270' E125' Block C, Messersmith & Simpson 2<sup>nd</sup> Addition.
- C. Project Description:** Requesting a Variance which would allow the two addresses 343 & 359 to be separated creating two separate lots.

**STAFF REVIEW AND RECOMMENDATIONS**

- A. Compatibility with Local Uses:** Multifamily to North and East of the project address.
- B. Compliance with Zoning and Subdivision Regulations:** Required R3 zoned lot with multifamily 4 Units would require 16000 sq ft.
- C. Public Input:** None at this time.
- D. Staff Comments:** Existing property is non-conforming based on units to land.

Table I: Current Zoning and Use

ZONING	R3
FUTURE LAND USE MAP DESIGNATION	R3
GROSS SITE ACREAGE	.531 Acres

Table II: Current Adjacent Land Use/Zoning

Direction	Zoning	Land Use
North	R3	Residential
East	R3	Residential
South	R3	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 minimum square footage requirement of 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 “*

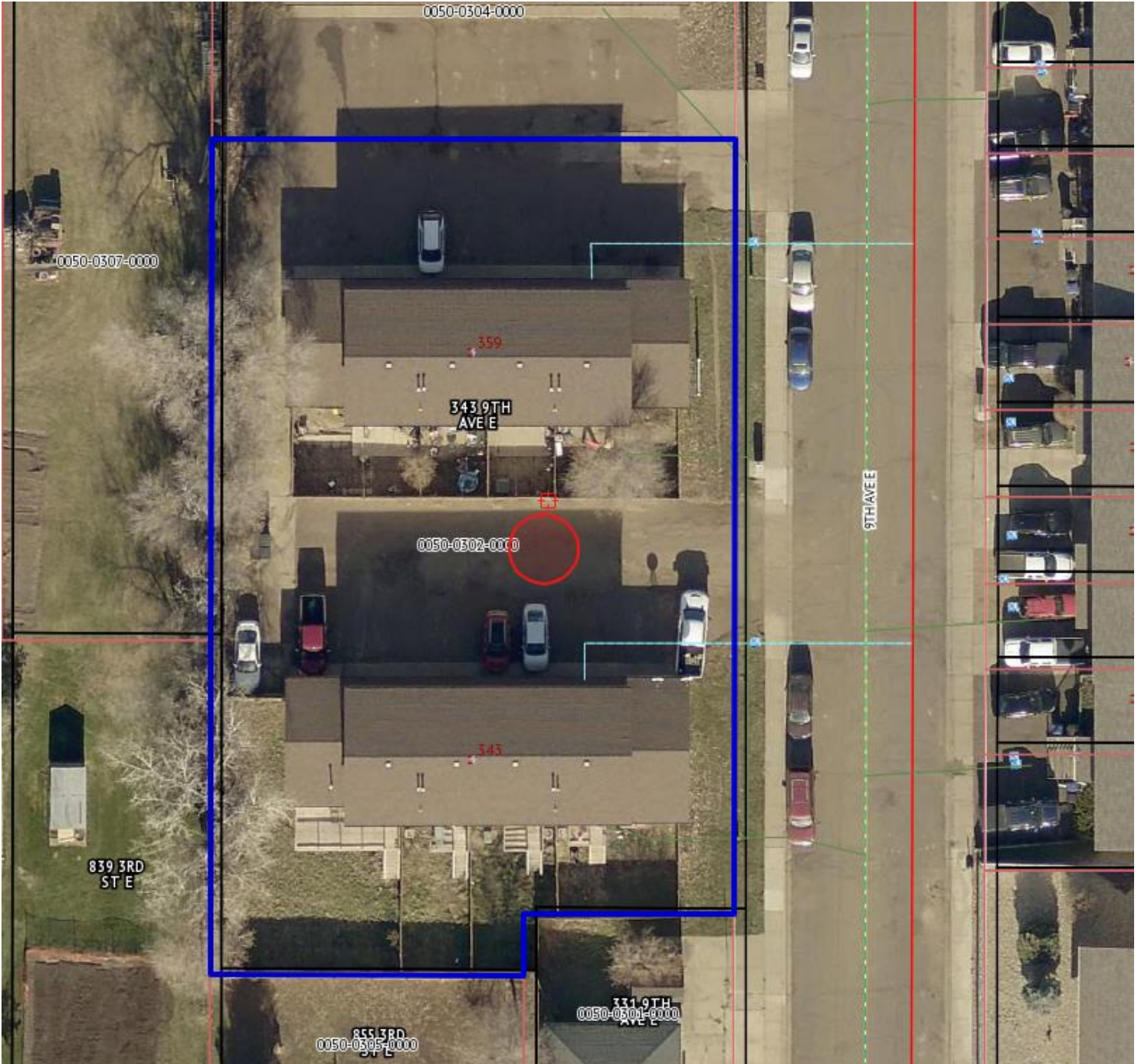
*(AND) the following additional requirements (**IF THE BOARD OF ADJUSTMENT RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE**):*

1. \_\_\_\_\_;
2. \_\_\_\_\_.

**\*\*\*Denial\*\*\***

*“I move the Dickinson Board of Adjustment recommend Denial of (**Variance to reduce minimum square footage requirement of 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.”*

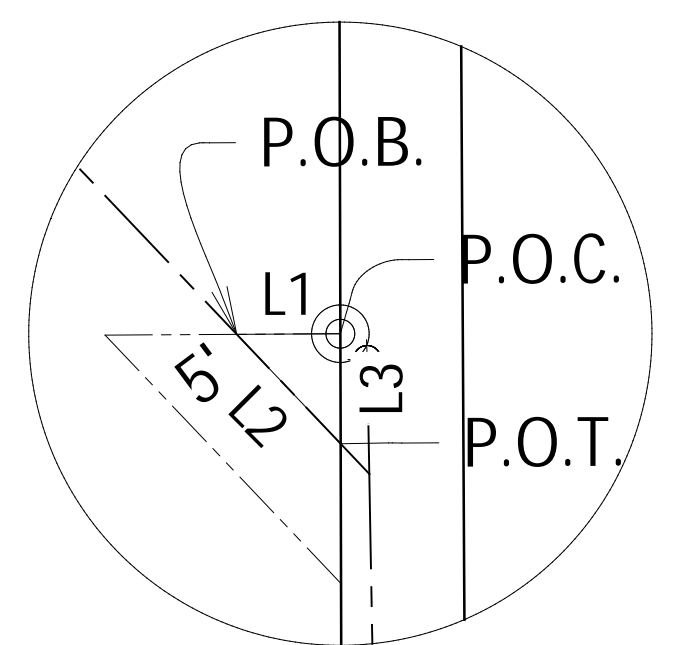
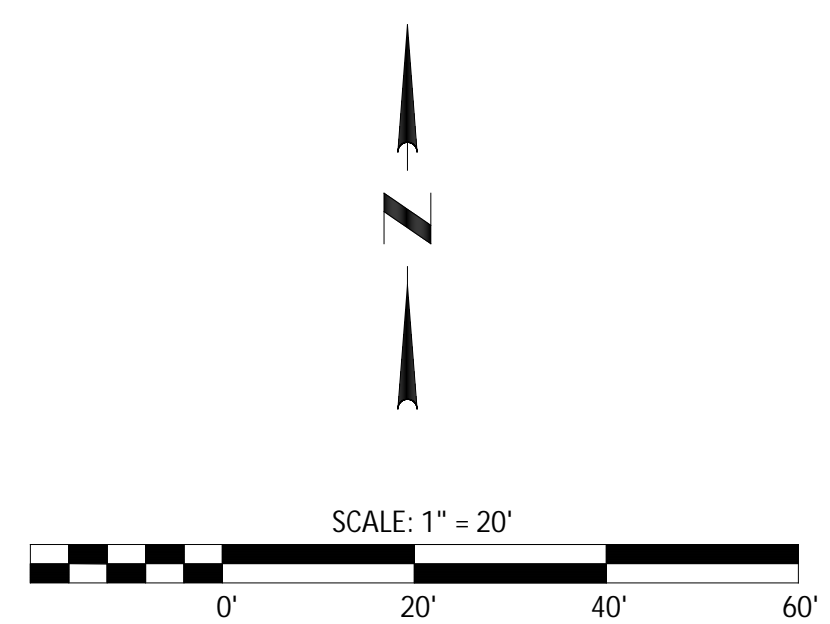
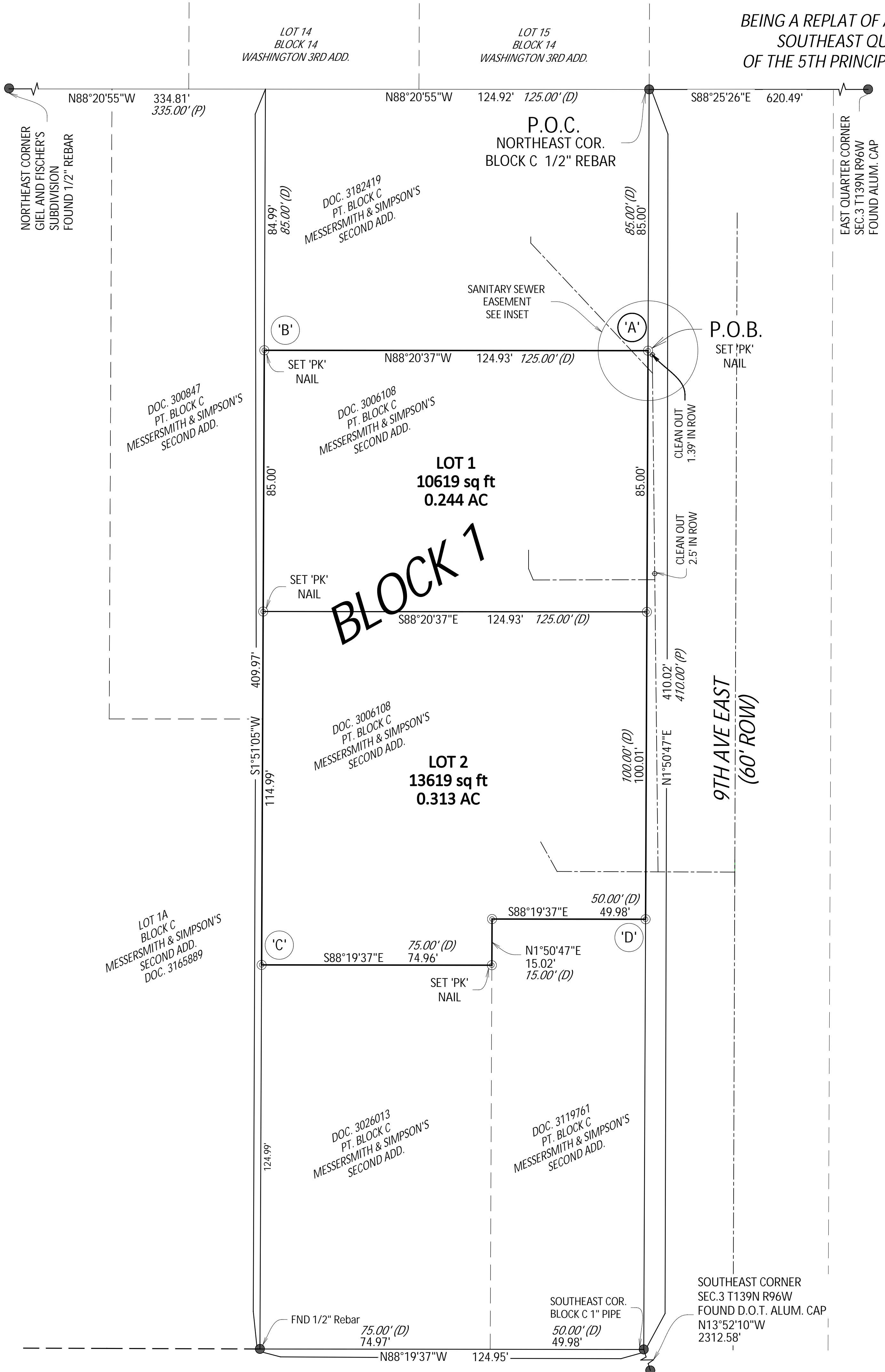
ATTACHMENTS





# SILVERGATE ADDITION

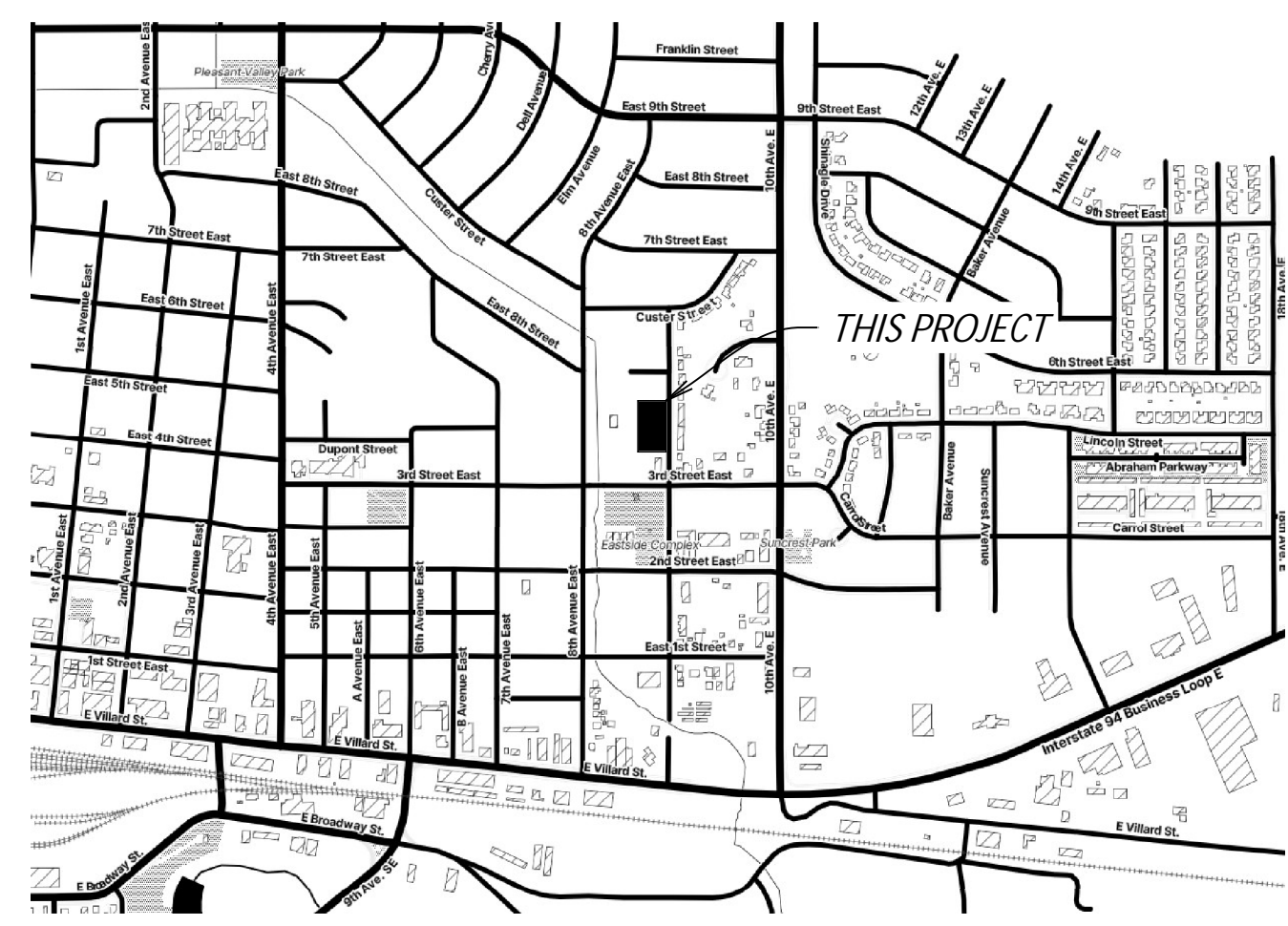
BEING A REPLAT OF A PORTION OF BLOCK C, MESSERSMITH & SIMPSON'S 2ND ADDITION  
SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 139 NORTH, RANGE 96 WEST  
OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



SANITARY SEWER EASEMENT  
INSET: SCALE 1" = 10'

### LEGEND

- CORNER FOUND (AS DESCRIBED)
- ⊙ SET 2" ALUM. CAP STAMPED 'WES NDPLS 29362' (UNLESS NOTED)
- PARCEL BOUNDARY
- - - ADJACENT PARCEL LINES
- - - SANITARY SEWER CENTERLINE
- 100 (D) DEED DISTANCE
- 100 (P) PLAT DISTANCE



VICINITY MAP: NOT TO SCALE

SANITARY SEWER EASEMENT LINE TABLE		
Name	Azimuth	Length
L1	N88°20'37"W	5.40
L2	S41°31'02"E	7.86
L3	N1°50'47"E	5.73

COORDINATE TABLE		
Name	Northing	Eastng
A	451809.88	1400688.17
B	451813.49	1400563.32
C	451613.64	1400556.86
D	451625.00	1400682.21

### BASIS OF BEARINGS

BASIS OF BEARINGS BEING THE EAST LINE OF BLOCK C, MESSERSMITH & SIMPSON 2ND ADDITION TO THE CITY OF DICKINSON, ND

SURVEY BASED ON NORTH DAKOTA SOUTH ZONE 1983 (2011), INTERNATIONAL FOOT. BEARINGS ARE GRID, DISTANCES ARE GROUND USING A SCALE FACTOR OF 1.0001799772. COORDINATES ARE GRID.

### SURVEYOR'S CERTIFICATE

I, NICHOLAS R. JENSEN, REGISTERED LAND SURVEYOR, N.D. NO. 29362 DO HEREBY CERTIFY THAT SILVERGATE ADDITION SUBDIVISION PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THE SURVEY, THAT ALL DISTANCES ARE CORRECT, MONUMENTS ARE PLACED IN THE GROUND AS SHOWN, THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED ON THE PLAT AND 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:

NICHOLAS R. JENSEN R.L.S. 29362

### BOUNDARY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF BLOCK C, MESSERSMITH & SIMPSON'S SECOND ADDITION TO THE CITY OF DICKINSON LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 139 NORTH, RANGE 96 WEST, OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK C; THENCE ALONG THE EAST LINE OF SAID BLOCK C S1°50'47"W A DISTANCE OF 85.00' TO THE POINT OF BEGINNING, THENCE N88°20'37"W A DISTANCE OF 124.93', THENCE S1°51'05"W A DISTANCE OF 199.99', THENCE S88°19'37"E A DISTANCE OF 74.96', THENCE N1°50'47"E A DISTANCE OF 15.02', THENCE S88°19'37"E A DISTANCE OF 49.98' TO A POINT BEING ON THE EAST LINE OF SAID BLOCK C, THENCE ALONG THE EAST LINE OF SAID BLOCK C N1°50'47"E A DISTANCE OF 185.01' TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.556 ACRES (24238 SQUARE FEET), MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES, AND SURVEYS.

### PROPOSED PRIVATE SANITARY SEWER EASEMENT

THE CENTERLINE OF A 10 FOOT WIDE PRIVATE SANITARY SEWER EASEMENT (5 FOOT ON EACH SIDE OF CENTERLINE) LOCATED IN LOT 1, BLOCK 1 OF SILVERGATE ADDITION TO THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE ALONG THE NORTH LINE OF SAID LOT 1 N88°20'37"W A DISTANCE OF 5.40' TO THE POINT OF BEGINNING, THENCE S41°31'02"E A DISTANCE OF 7.86' TO THE POINT OF TERMINATION, POINT BEING S1°50'47"E A DISTANCE OF 5.73' FROM THE NORTHEAST CORNER OF SAID LOT 1.

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### SURVEY NOTES

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- ALL DOCUMENTS REFERENCED ARE ON FILE AT THE STARK COUNTY COURTHOUSE.

### CITY OF DICKINSON COMMISSION APPROVAL

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

### CITY ENGINEER APPROVAL

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

### CITY PLANNING AND ZONING COMMISSION APPROVAL

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IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

BY: \_\_\_\_\_  
CARLOS ROYAL, MEMBER OF EASTMORE FINANCIAL, LLC

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

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CARLOS ROYAL, TO ME KNOWN TO BE THE SAME PERSON(S) DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FORGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

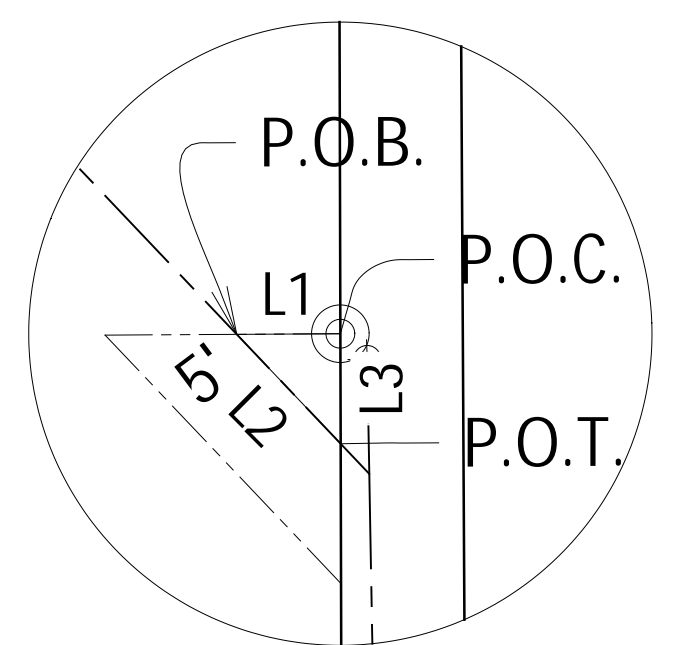
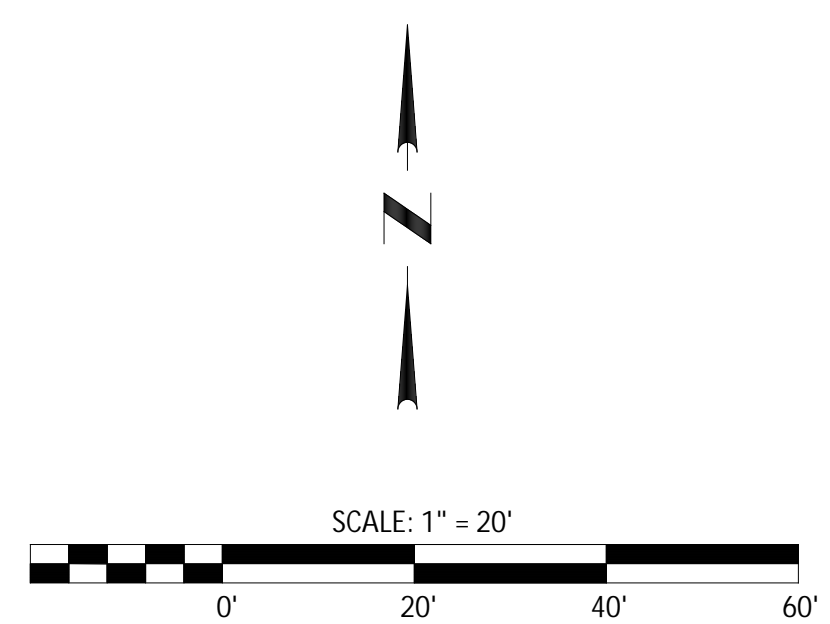
MY COMMISSION EXPIRES: \_\_\_\_\_  
NOTARY PUBLIC \_\_\_\_\_

RESIDING AT COUNTY OF \_\_\_\_\_ STATE OF \_\_\_\_\_

DRAWN BY: NRJ	SHEET: 1 OF 1
PROJECT NO: 25-029	DATE: 7/2/2025
WESTERN EDGE SURVEYING, PLLC	
1175 LINCOLN STREET DICKINSON, ND 58601 PHONE: (701) 505-8209	
WWW.WESTERNEDGESURVEYING.COM	

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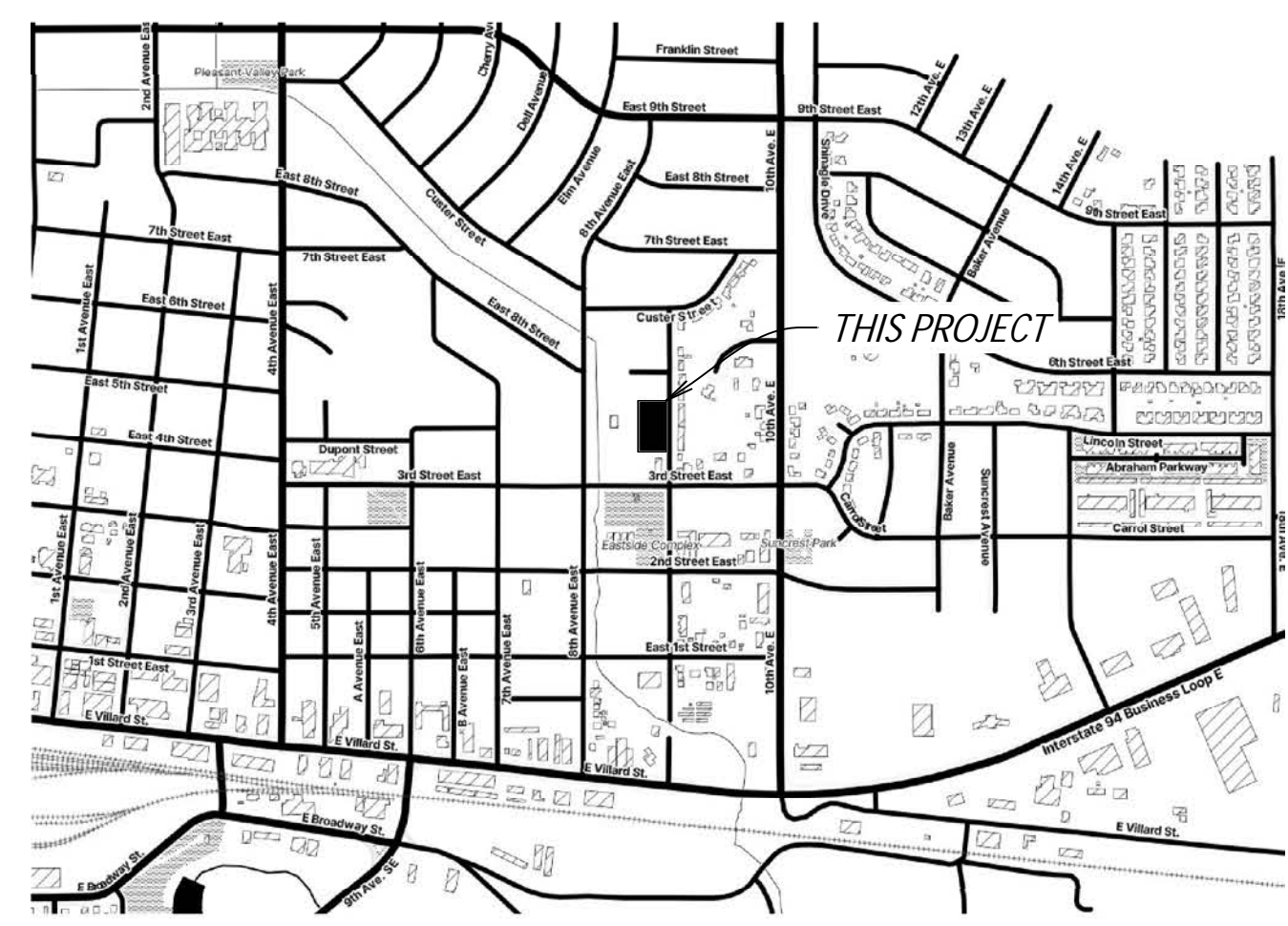
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SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

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COUNTY OF \_\_\_\_\_

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NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

RESIDING AT COUNTY OF \_\_\_\_\_ STATE OF \_\_\_\_\_

SOUTHEAST CORNER  
SEC.3 T139N R96W  
FOUND D.O.T. ALUM. CAP  
N13°52'10"W  
2312.58'

DRAWN BY: NRJ	SHEET: 1 OF 1
PROJECT NO: 25-029	DATE: 7/2/2025
WESTERN EDGE SURVEYING, PLLC	
1175 LINCOLN STREET DICKINSON, ND 58601 PHONE: (701) 505-8209	
WWW.WESTERNEDGESURVEYING.COM	

Thursday, July 17, 2025



# Board of Adjustment

**Note: Before submitting your application please call 701-456-7815 to speak with the Building Official Leonard Schwindt to discuss your application.**

### Who is the applicant

Authorized Personnel

### Property Owner

Carlos Royal

### Property Owner's Phone Number

(760) 715-0995

### Property Owner's Email

cwroyal@icloud.com

### Property Owner's Signature or Authorization Letter



Authorization Letter.docx.pdf

### Applicant Name

Dave Bauer

### Applicant's Phone Number

(701) 260-2261

### Applicant's Email

dave@bauerproperty.com

Note: If the applicant is not the owner of the premises, the owner's signature or separate written permission authorizing the applicant to sign on behalf of the owner, must be attached 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

343 & 359 9th Ave E  
Dickinson, ND, 58601

### Property Legal Description

S185' N270' E125' BLOCK C, MESSERSMITH & SIMPSON 2ND ADDITION

### Zoning District

Residential High Density

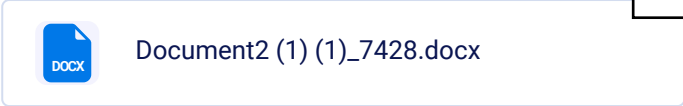
### Existing Use

Residential

### General Description of Request

Requesting to separate lots

**Purpose Statement**



- 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**



- 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.

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

Requesting lot 1 be 10,619 square feet and lot 2 to be 13,619 square feet

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

No

**Applicant/Property Owner Signature**

**Date**

Thursday, July 17, 2025

**Board of Adjustment**

**Payer Information**

**Transaction ID**

Maria Renicker  
cwroyal@icloud.com

e3y75ger

Description	Amount
Board of Adjustment \$150.00 x 1	\$150.00
<b>Total</b>	<b>\$150.00</b>

Board of Adjustment,

This letter is in reference to 343 and 359 9<sup>th</sup> Ave E, Dickinson ND 58601 aka Silvergate Townhomes. This is being requested due to review from city staff as part of a minor subdivision application.

The purpose of this letter is to seek a variance so these 2 address' can be separated.

We understand that based on current code requirements there are not proper setbacks or lot size. However, these buildings were permitted and constructed according to city code in 1978.

Due to the city block being built out there is no option to gain lot size or setback.

I, Carlos Royal, authorize Dave Bauer and Chad Renicker to represent me and oversee the process of separating 343 and 359 9th Ave E, Dickinson ND 58601. Including but not limited to working with the surveyor, attending city meetings, working with city personnel, etc.

Signed by:  
  
AEF19BCC8114418...

Carlos Royal  
760.715.0995  
cwroyal@icloud.com