



BOARD OF ADJUSTMENT MEETING AGENDA

Monday, June 09, 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

ROLL CALL

OPENING CEREMONIES:

PLEDGE OF ALLEGIANCE

1. STANDARD MOTIONS

A. NOVEMBER 12TH, 2024 MINUTES

B. MAY 12TH, 2025 MINUTES

2. REGULAR AGENDA:

**A. 1036 37TH STREET E - REQUEST TO EXCEED MAXIMUM SQ FOOTAGE OF
DETACHED STRUCTURE**

Request to exceed the maximum square footage of a detached structure on a RR zoned lot by 1210 sq. ft. This property is located at 1036 37th Street E – Tract A of L 1&2 B 4 Roshaus 2nd 26-140-96 Lot 188X396.

3. OTHER BUSINESS

4. ADJOURNMENT

Link for viewing Board of Adjustment Meeting:

This link will not be live until approximately 7:25 AM MT on June 9, 2025.

Stream Link: <https://youtube.com/live/4ZZbTD9zJC4>

Persons who desire to be heard under Section 9 "Public Comments not on Agenda" may call in at (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 - RESCHEDULED MINUTES

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

Commissioners:

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

CALL TO ORDER

ROLL CALL

OPENING CEREMONIES:

Pledge of Allegiance

1. STANDARD MOTIONS

A. September 2024 Meeting Minutes

Motion made by Bren, Seconded by Bosch.

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

2. REGULAR AGENDA:

A. 587 South Main

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

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

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

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

Motion made by Bosch, Seconded by Bren.

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

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

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

Building official stated that that is correct.

Motion made by Bren, Seconded by Ernst.

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

B. 3650 115G Avenue SW

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

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

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

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

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

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

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

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

Mrs. Stockie replied with about 2 months maybe.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Soehren stated that everything is still being discussed.

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

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

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

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

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

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

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

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

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

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

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

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

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

Motion made by Bosch, Seconded by Ernst.

Voting Yea: Ernst, Soehren, Bosch

Voting Nay: Bren, Burke

3. OTHER BUSINESS

4. ADJOURNMENT

Motion made by Bren, Seconded by Ernst.

Link for viewing Board of Adjustment Meeting:

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

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

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

Team Meeting ID: 251 208 102 85

Meeting Passcode: LN7JKm

Teams Phone #: 1-701-506-0320

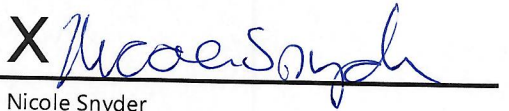
Phone Conference ID: 496 027 261#

Local Phone #: 701-456-7006

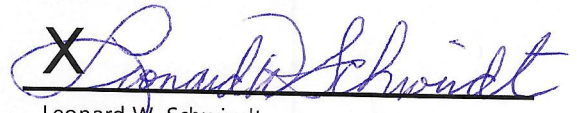
Section 1. Item A.

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

Prepared By:

X 
Nicole Snyder

Approved By:

X 
Leonard W. Schwindt



Section 1. Item B.

BOARD OF ADJUSTMENT MEETING MINUTES

Monday, May 12, 2025 at 7:30 AM
City Hall – 38 1st Street West Dickinson, ND 58601

Commissioners:

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

CALL TO ORDER

7:30am

ROLL CALL

Present:

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

OPENING CEREMONIES:

PLEDGE OF ALLEGIANCE

1. STANDARD MOTIONS

2. REGULAR AGENDA:

A. BUFFER VARIANCE - LOT 3&4, BLOCK 3, FISHER EAST SIDE SECOND SUBDIVISION:

Variance request from buffer yard provisions outlined in Article VIII, Landscaping and Screening Standards, Section 62-562, Table 566-2 of the City of Dickinson Municipal Code, to reduce the required buffer yard between a General Commercial (GC) zoned lot and adjacent R1 and R2 zoned lots from 30 feet to 15 feet located at Lot 3 and 4, Block 3, Fisher East Side Second Subdivision.

Russ Heiser, owner, presented his request. He is asking for a reduced setback of 15 feet to accommodate a future driveway for an additional building. He plans to install a fence and a tree buffer along the west and south sides of the property.

Mr. Ernst asked whether the Fire Department had been consulted regarding access if the setback is reduced. Building Official Leonard Schwindt responded that a 15-foot setback would still allow access; depending on the size of the building, additional provisions could be added to the building permit if needed. He also noted that the area around the building must remain clear.

Mr. Heiser stated that the site will have two buildings instead of one; there will be 15 feet of space between them to allow access. Although his site plan shows three buildings, only two will be constructed at this time. A 75-foot driveway is planned between the buildings.

Mr. Burke asked whether there had been feedback from neighbors. Mr. Schwindt reported receiving two phone calls; one caller was opposed to the request, while the other, an adjacent property owner, felt the project would not impact their property.

Mr. Soehren asked about the 50-foot building height, and Mr. Heiser explained that he needs the height to accommodate his trailer. Mr. Bren inquired about the sidewall height, which will be 16 feet. Mr. Soehren asked Mr. Schwindt if that sidewall height posed any issues; Mr. Schwindt confirmed it does not, as the property is zoned GC.

Mr. Bosch asked about the adjacent property setbacks. Mr. Schwindt stated that rear yard setbacks in the nearby R1 zone are 20 feet. Mr. Heiser confirmed he plans to install a 6-foot fence on the west side; a tree buffer will also be included.

Mr. Ernst asked about the hardship justification, noting the proximity to other GC-zoned properties. Mr. Soehren inquired whether the buildings would be sold or rented. Mr. Heiser stated he will retain ownership of the southern building; the others will be sold as shop condos. Mr. Schwindt clarified that the buildings will be sold but not the land; a condo association will be established.

Mr. Schwindt recommended that, if the board approves the setback reduction, they include a condition requiring the fence and trees to be installed by a specific timeline; the west side must remain free of any outside storage.

Chairman Soehren opened the public comment hearing. There being no comments, the hearing was closed.

Motion to approve with the added condition that **the trees be planted prior to project completion, and that the species meet City specifications for size and height.**

Motion made by Bosch, Seconded by Ernst.

Voting Yea: Ernst, Bren, Soehren, Bosch

Voting Nay: Burke

3. OTHER BUSINESS

4. ADJOURNMENT

7:47am

Motion made by Bren, Seconded by Burke.

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

Sylvia Miller

Section 1. Item B.

Prepared by: Sylvia Miller, Executive Assistant

Leonard Schwindt

Approved by: Leonard Schwindt, Building Official

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 Christ and Rachael Marshall
 Phone Number 701-260-8692 Email christmarshall04@gmail.com
 Address 1036 37th St W Dickinson ND 58601
Street City State Zip
 Property Owner Signature [Signature] Date 5-11-25

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

Applicant Name Christ and Rachael Marshall
 Contact Name Christ Marshall
 Phone Number 701-260-8692 Email christmarshall04@gmail.com
 Address 1036 37th St W Dickinson ND 58601
Street City State Zip
 Applicant/Permittee Signature [Signature] Date 5-11-25

*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: 1036 37th St. E. Tract A of L1+2 B4 Roshko's
2nd 26-140-96 Lot 188 x 396 Dickson, ND 58601
 Zoning District: RR Adjacent zoning: N RR E RR S RR W RR
 Existing use: Residential Adjacent use: N Residential E Residential S Residential W Residential

General Description of Request: purpose statement attached Site Plan attached

Exceed the max sq footage of a detached structure, to match Building materials as the Primary home.

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

ITS and there are a number of large shops in the zoning district.

Zoning Code Sections Relevant to this Request:

Ordinance NO. 1809 Zoning District Regulations Notes Tables 4-2+4-3 note 7.

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: <u>Request to exceed the maximum square footage of a detached structure on RR zoned lot by 1210^{sq}</u>	
Date of BOA Meeting: _____	Required Fee: \$150.00
Paid by: <input type="checkbox"/> Cash <input type="checkbox"/> Credit/Debit <input type="checkbox"/> Check # _____ Receipt # _____	

CHRIST AND RACHAEL MARSHALL

1036 37TH ST W DICKINSON ND 58601

TO WHOM IT MAY CONCERN, WE AS OWNERS AND RESIDENTS AT THE SAID PROPERTY LISTED ABOVE, WE HEREBY ARE FILING A REQUEST FOR A VARIANCE TO THE ZONING ORDINANCE IN ORDER TO BUILD A GARAGE IN THE SOUTH EAST CORNER OF OUR PROPERTY WHICH IS MORE SQ FOOTAGE THAN ALLOWED IN THE NEW BUILDING CODES, DESPITE THE TOTAL PROPERTY COVERING TO STILL BE LESS THAN 35%.

WE ARE REQUESTING TO BUILD A 50'X70' GARAGE WITH A CONCRETE APRON ON THE NORTH SIDE, WE ARE WITHIN THE PROPER SETBACKS AND ALLOWANCES, AND AFTER COMPLETE WILL STILL BE ONLY 33% GROUND COVERED ON MY 1.7 ACRE LOT. BUT WE ARE WITH A HARDSHIP BECAUSE WE HAVE LOTS OF TOYS, BOATS, CAMPER, MOWERS, ATV'S, TRAILERS, SKID STEER, AND WITHOUT THE SPACE MY NEIGHBORS AND THE COMMUNITY ARE GOING TO HAVE TO LOOK AT ALL MY STUFF SCATTERED AROUND MY YARD. I WOULD LIKE TO DO THE RESPONSIBLE THING AND BE ABLE TO KEEP MY PROPERTY CLEAN. IT IS IN THE COVENANCE IN MY SUBDIVISION TO MAKE A REASONABLE EFFORT TO KEEP PROPERTIES CLEAN OF TRASH DEBRIS AND NONFUNCTIONING EQUIPMENT, OTHER MEMBERS IN THE COMMUNITY HAVE ALSO BUILT LARGE SHOPS FOR SIMILAR REASONS.

THE GARAGE TO BE BUILT WILL BE INSPECTED AND BUILT TO PROPER AND LEGAL BUILDING CODES AND STANDARDS OF DICKINSON AND STARCK COUNTY, WE HAVE DISCUSSED WITH ALL CONNECTED NEIGHBORS AND THEY ARE OK WITH IT AS IT WILL NOT INTERFERE WITH THEM OR THEIR PROPERTIES IN ANYWAY, BELOW IS SIGNATURES OF ALL NEIGHBORS CONNECTING TO OUR PROPERTY:

WE ARE KINDLY ASKING FOR SAID VARIANCE.

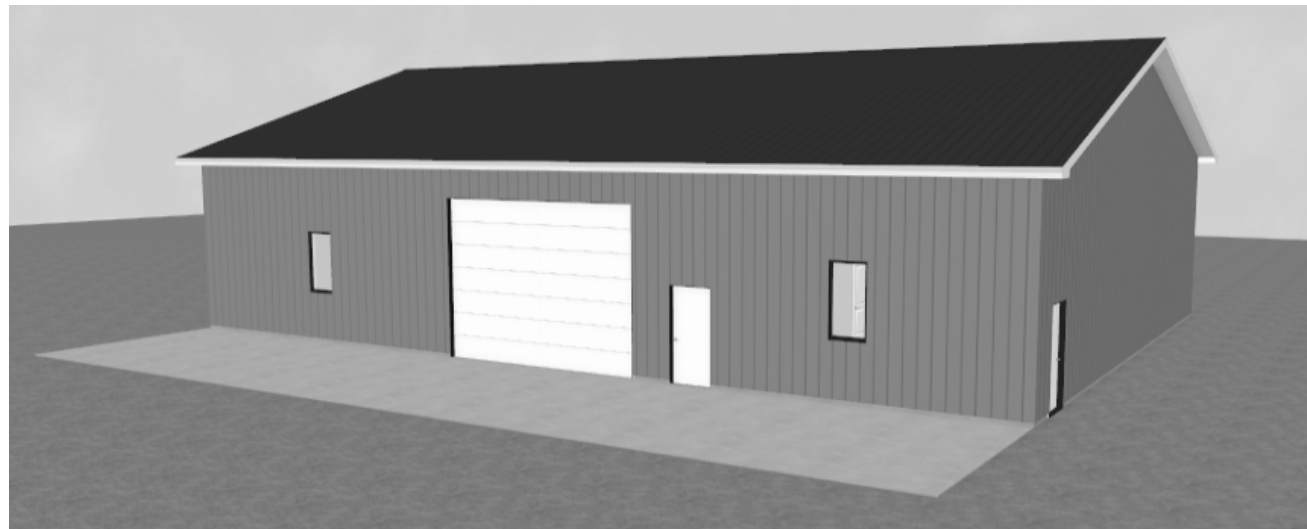
<u>Christ Marshall</u>	<u>Rachael Marshall</u>	<u>5-11-25</u>
<u>[Signature]</u>	<u>[Signature]</u>	
<u>Martin Anchondo</u>	<u>Martin Anchondo</u>	<u>5-13-25</u>
<u>[Signature]</u>	<u>[Signature]</u>	
<u>Kodi Anchondo</u>	<u>Kodi Anchondo</u>	<u>5-13-25</u>
<u>[Signature]</u>	<u>[Signature]</u>	
<u>Calvin Wahl</u>	<u>Calvin Wahl</u>	<u>5-14-25</u>
<u>[Signature]</u>	<u>[Signature]</u>	
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1204 Johns Drive
Mandan ND
Cell # 400-5081

The Plans and elevations are only conceptual & give the client and example of what is to be built. A contractor or an Architect is responsible for verifying the dimensions & other information on these plans. Midwest Drafting & Design can not be held responsible for inaccurate information that may lead to additional cost for the owner or a delay in the project.



Cover page

PROJECT: 50'x70" Garage

ADDRESS: Dickinson

OWNER: Sierra West Enterprises

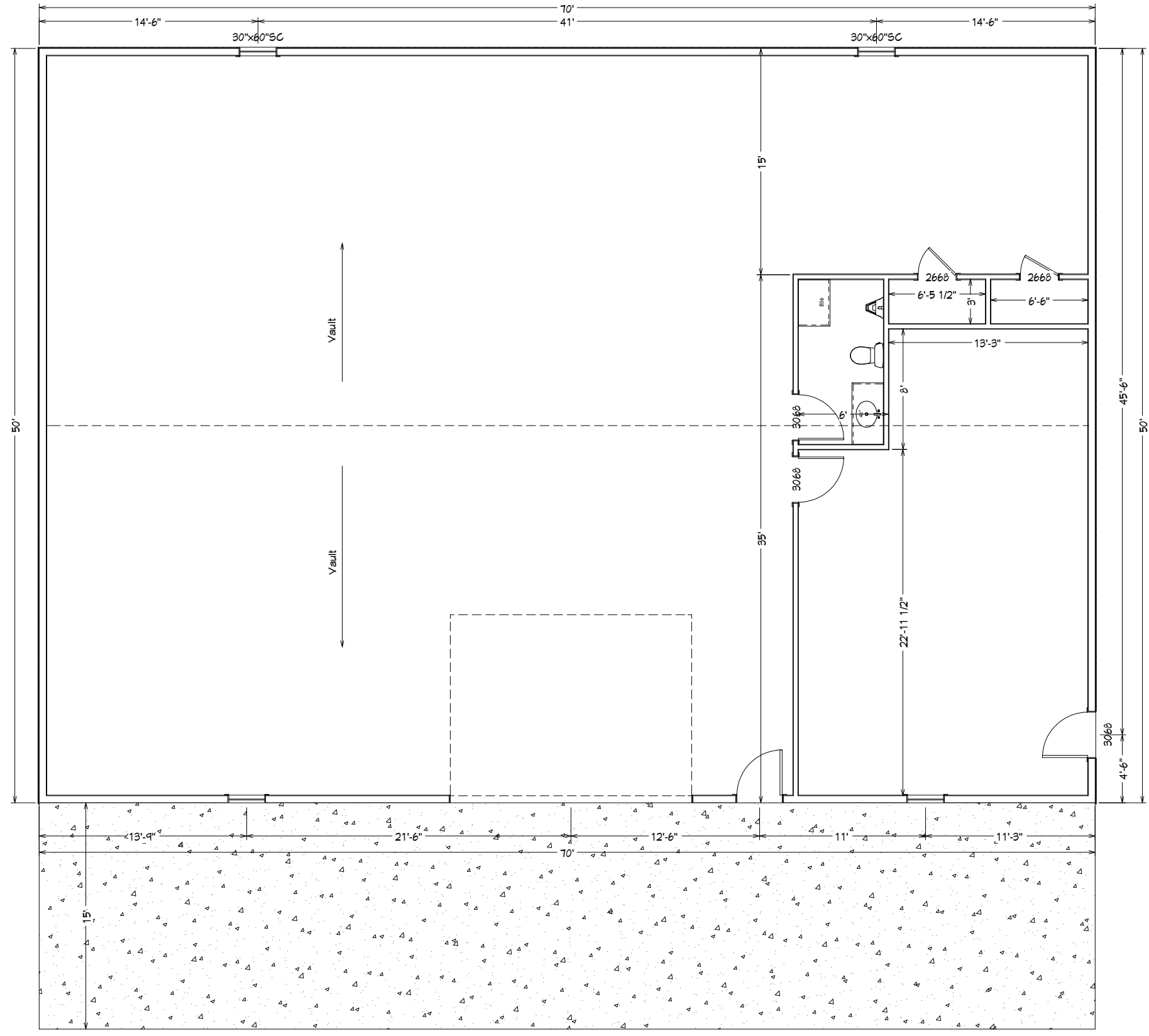
Drawn By: Dave Anderson

Date: 3-28-25

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Sheet
OF 1
6





- Notes**
- 3500 Garage SQFT
 - 14' Sidewalls
 - 2x6 Walls
 - All Dimensions are from stud to stud

Floor Plan
1/8"=1'-0"

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& Design

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Drive
Mandan ND
Cell # 400-5081

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PROJECT: 50'x70" Garage

ADDRESS: Dickinson

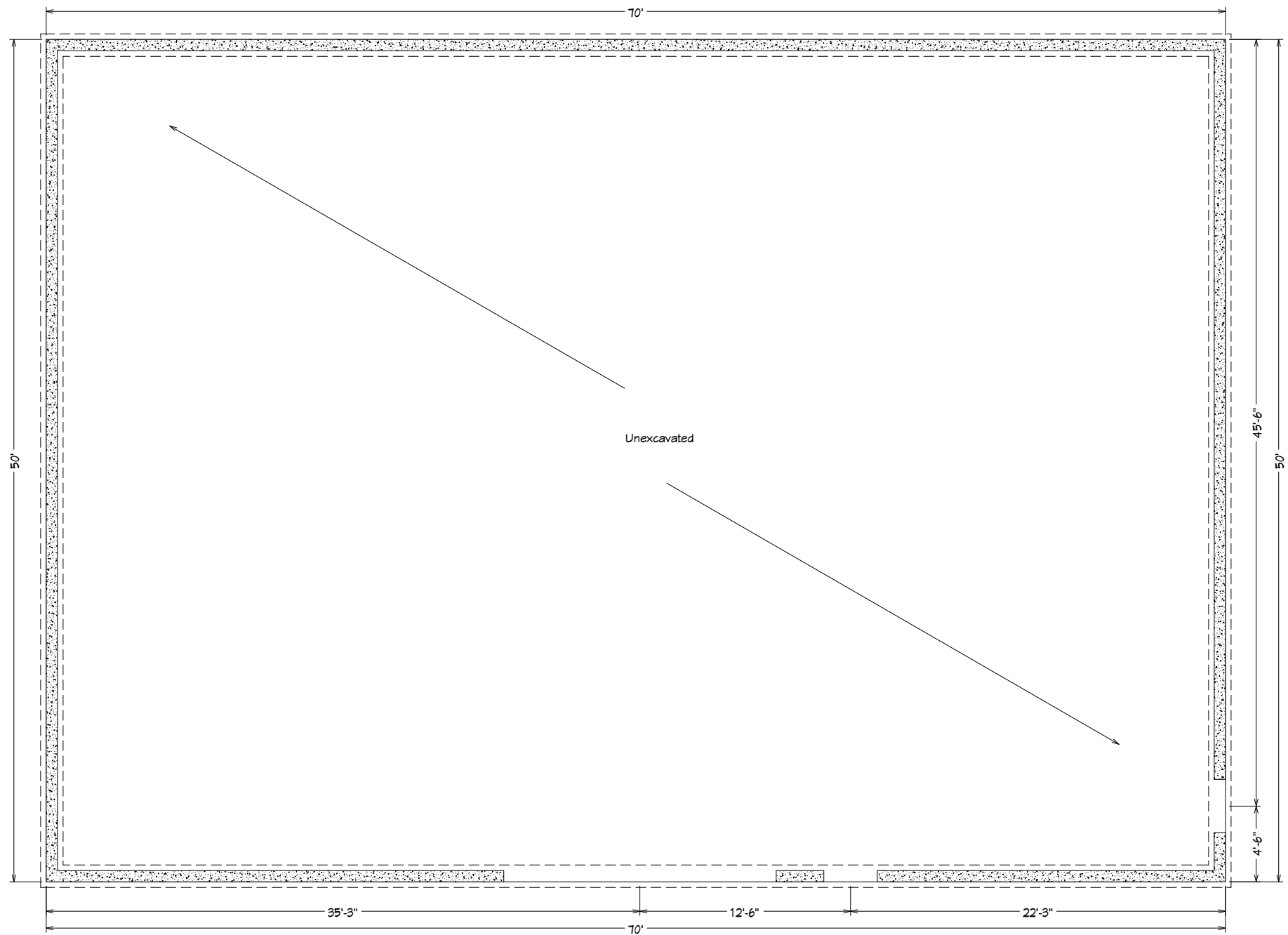
OWNER: Sierra West Enterprises

Drawn By: Dave Anderson

Date: 3-28-25

Scale: 1/8"=1'-0"

Sheet
OF 2
6



Foundation Plan
1/8"=1'-0"



1204 Johns Drive
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PROJECT: 50'x70" Garage

ADDRESS: Dickinson

OWNER: Sierra West Enterprises

Drawn By: Dave Anderson

Date: 3-28-25

Scale: 1/8"=1'-0"

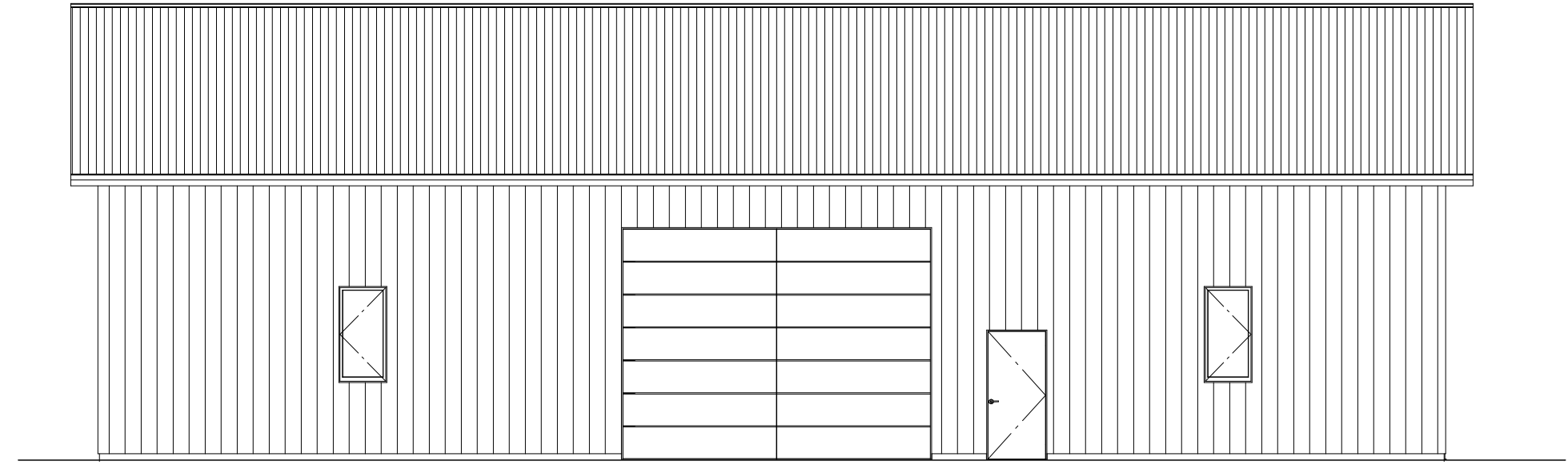
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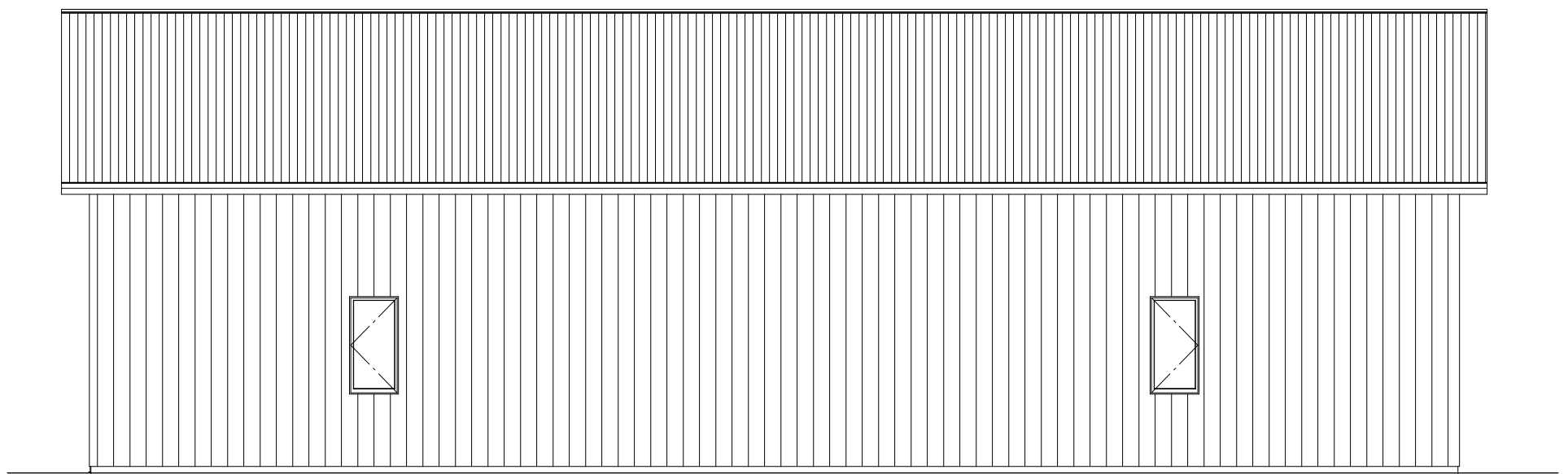


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Mandan ND
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Front Elevation
1/8"=1'-0"



Back Elevation
1/8"=1'-0"

PROJECT: 50'x70" Garage

ADDRESS: Dickinson

OWNER: Sierra West Enterprises

Drawn By: Dave Anderson

Date: 3-28-25

Scale: 1/8"=1'-0"

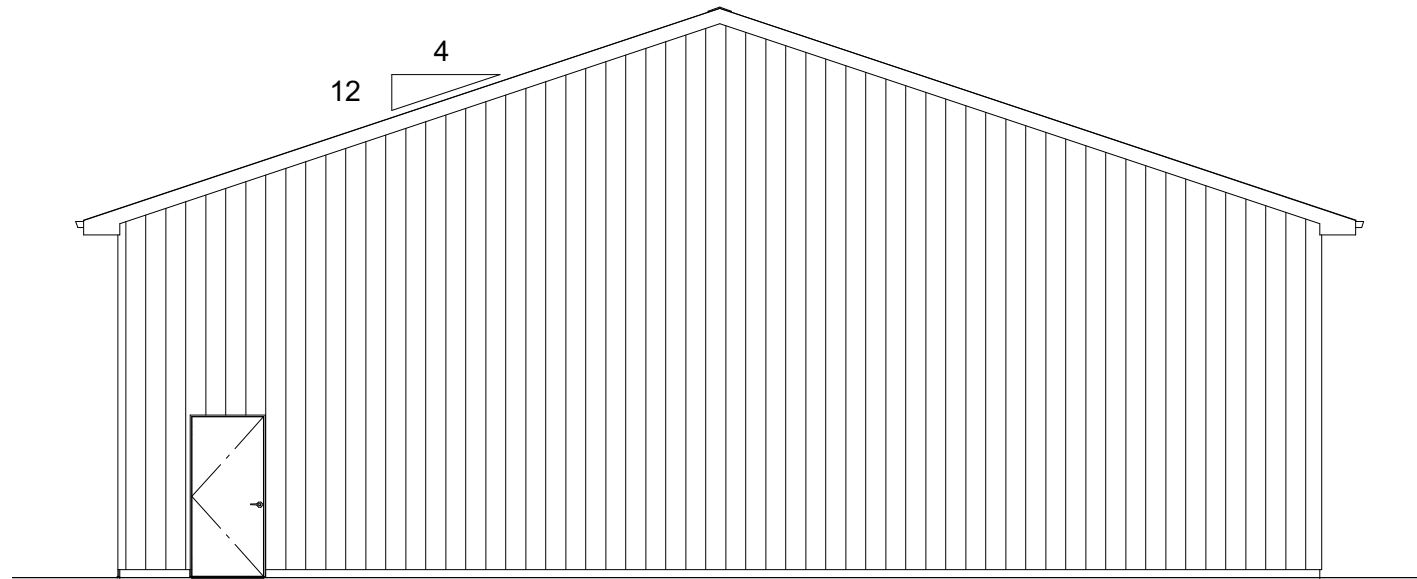


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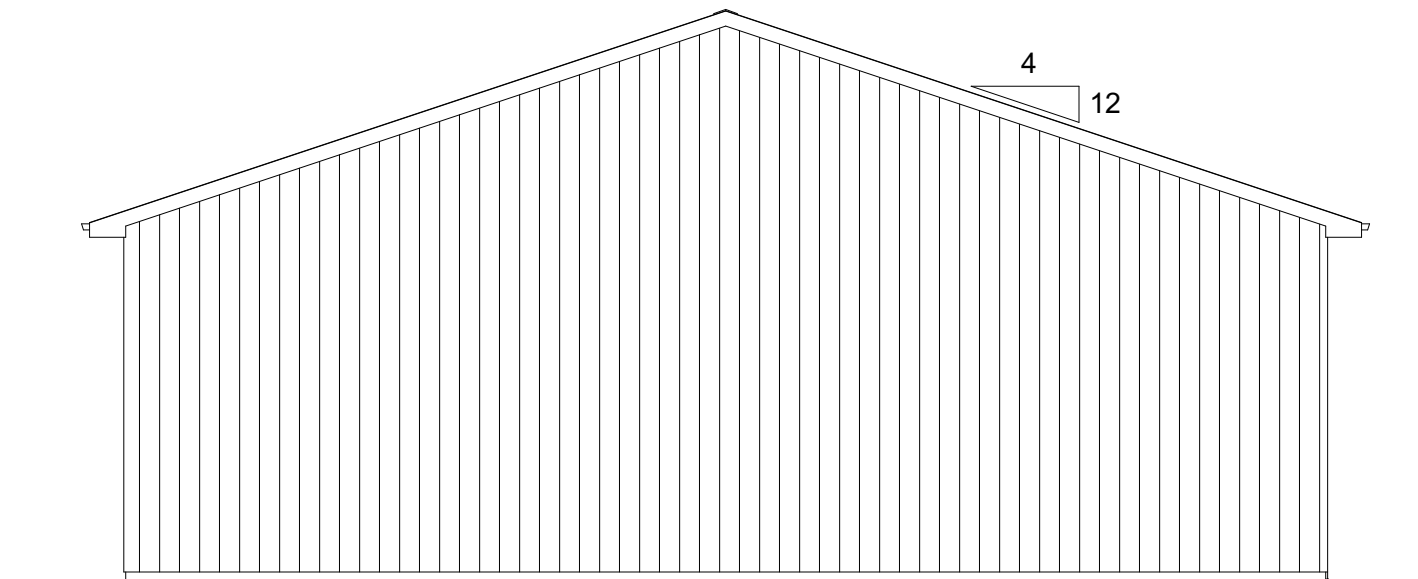
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Cell # 400-5081

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Side Elevation
1/8"=1'-0"



Side Elevation
1/8"=1'-0"

PROJECT: 50'x70" Garage

ADDRESS: Dickinson

OWNER: Sierra West Enterprises

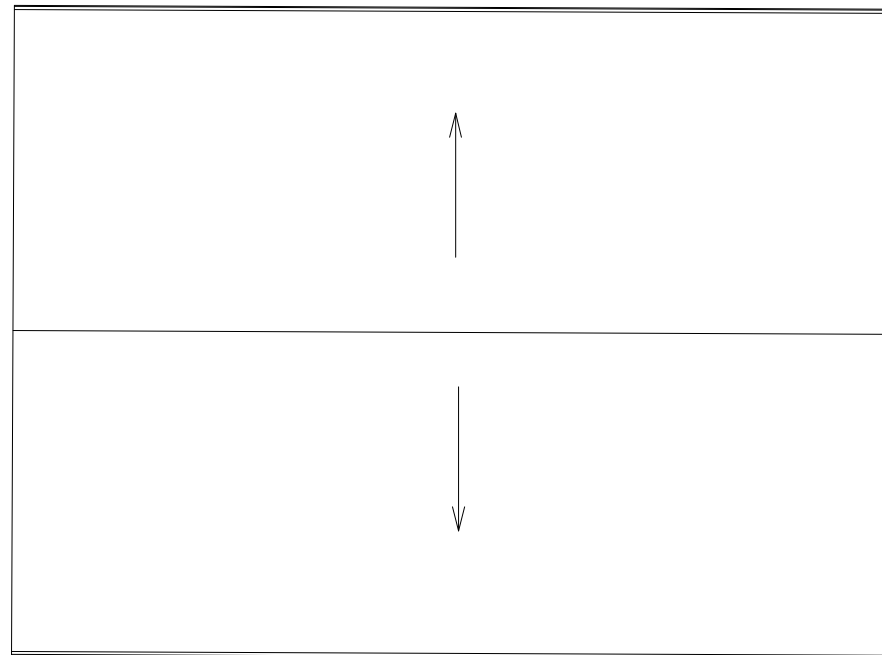
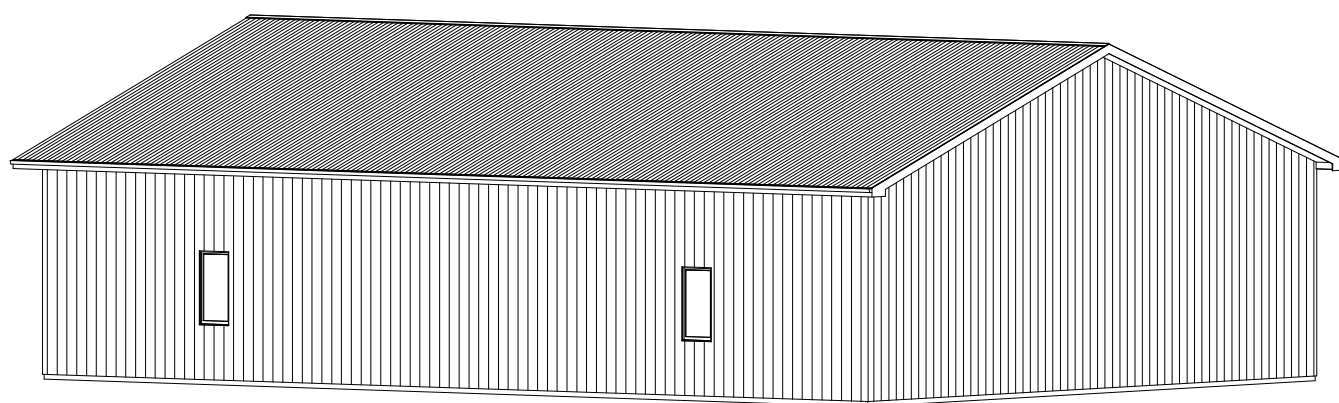
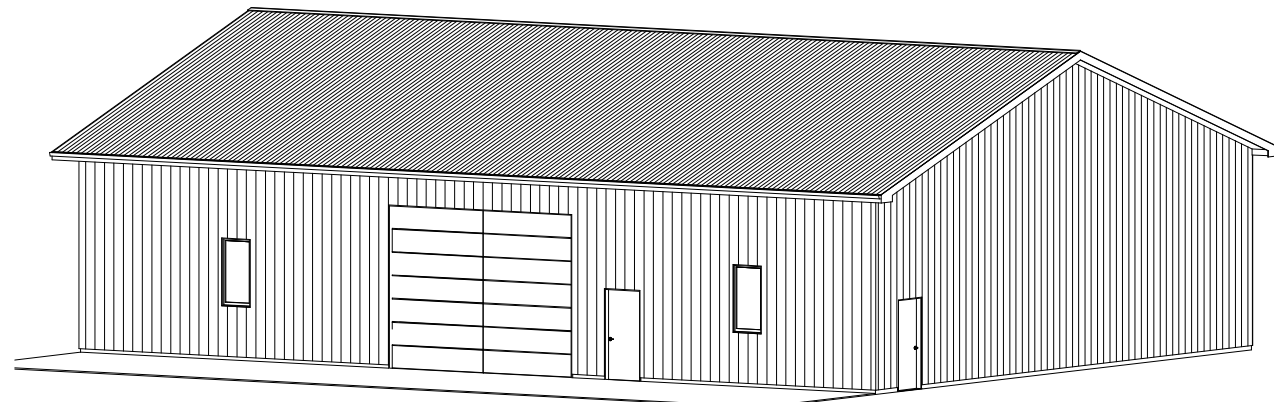
Drawn By: Dave Anderson

Date: 3-28-25

Scale: No Scale

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OF 5
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& Design



Roof Plan
No Scale



1204 Johns Drive
Mandan ND
Cell # 400-5081

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PROJECT: 50'x70" Garage

ADDRESS: Dickinson

OWNER: Sierra West Enterprises

Drawn By: Dave Anderson

Date: 3-28-25

Scale: No Scale



Staff Report

To: Board of Adjustment
From: City of Dickinson Development Team
Date: {6/9/2025}
Re: Variance to exceed maximum square footage of a detached structure

Owner/APPLICANT

Applicant
 Christ & Rachael Marshall
 1036 37th St W
 Dickinson, ND 58601

Public Hearings: {6/9/2025} Board of Adjustment

REQUEST

- A. Request:** For a variance to exceed the maximum square footage of a detached structure on a RR zoned lot by 1210 sq ft.
- B. Project Address/Legal Description/Area:** Tract A of L1 & 2 B4 Roshaus 2nd 26-140-96 188' x 396'.
- C. Project Description:** Building a Detached Structure for storage of personal property that will match building materials of primary home.

STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses: Adopted Ordinances Not Yet Codified – Ordinance No. 1809 Note 7:** All allowable accessory buildings to a residence shall be limited to a maximum of one thousand eight hundred feet (1,800) and for a maximum of three (3) detached structures for the first one acre or less. The total area of all accessory buildings may be increased by 70 square feet for each additional one-tenth (1/10) acre of land area above one acre. Accessory buildings shall include the following: barns, stable, storage buildings, and detached personal vehicle garages.
- B. Compliance with Zoning and Subdivision Regulations:** Structure will require proper permitting to meet Code Requirements.
- C. Public Input:** Neighbor complaint on noxious weeds.
- D. Staff Recommendation:** Noted within the subdivision are large detached structures. Properties with the larger detached structures are being used for similar purposes.

Table I: Current Zoning and Use

ZONING	RR
FUTURE LAND USE MAP DESIGNATION	RR
GROSS SITE ACREAGE	1.71 Acres

Table II: Current Adjacent Land Use/Zoning

Direction	Zoning	Land Use
North	RR	Residential
East	RR	Residential
South	RR	Residential
West	RR	Residential

Attachments:

- Provided in packet

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Board of Adjustment recommend Approval of (**Variance to exceed maximum square footage of a detached structure**), 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 exceed 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."*

ATTACHMENTS

North



