



## BOARD OF ADJUSTMENT MEETING AGENDA

Monday, August 14, 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

### OPENING CEREMONIES:

#### 1. STANDARD MOTION

A. July 10, 2023 Meeting Minutes Submitted for approval.

#### 2. REGULAR AGENDA:

A. Variance to reduce the required front yard setback of 25 feet on a R1 zoned lot to 8 feet 9 inches. Property located at 694 Park Street, Dickinson, ND 58601.

#### 3. OTHER BUSINESS

#### 4. ADJOURNMENT

**Meeting Packet:** <https://tinyurl.com/BOA-08-14-2023-Packet>

**Stream Link:** <https://tinyurl.com/BOA-08-14-2023-Stream>

**Teams Meeting:** <https://tinyurl.com/BOA-08-14-2023-Teams>

**Meeting ID:** 260 880 941 225

**Meeting Passcode:** 6iUror

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

**Phone Conference ID:** 989 856 312#

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

<https://dickinsongov.com/2023/08/14/board-of-adjustment-meeting-information-august-14-2023/>



## BOARD OF ADJUSTMENT MEETING MINUTES

Monday, July 10, 2023 at 7:30 AM  
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### Commissioners:

**Chairman:** Larry Bares

**Vice Chairman:** Pat Bren

Trevor Ernst

Bruce Burke

Shawn Soehren

### **CALL TO ORDER**

### **ROLL CALL**

#### **PRESENT**

Larry Bares

Trevor Ernst

Bruce Burke

Shawn Soehren

#### **ABSENT**

Pat Bren

### **PLEDGE OF ALLEGIANCE**

### **OPENING CEREMONIES:**

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

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

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

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

A. To exceed the maximum square footage of a detached structure on a RR zoned lot by 400 square feet. (1200 to 1600). Property located at 3148 111E Avenue SW, Dickinson, ND 58601.

Chairman Larry Bares asks for a motion to remove this item from the table.

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

Jeremy Reindel, owner of the property, is asking to build a 40x40 shed along the south side next to the existing garage. Board Member Bruce Burke is wondering if any neighbors were opposed to this shed being built. Mr. Schwindt says there has not been any calls regarding this property. Board Member Trevor Ernst stated that if they do approve this structure, we ask that no more structures be built on this lot, permitted or non-permitted. Mr. Reindel agrees to this request. Chairman Larry Bares opened the public hearing.

**Motion made by:** Trevor Ernst, **Seconded by:** Bruce Burke.

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

**B. Variance request to build an attached structure that will create a larger amount of square footage than current living space. Property located at 3152 111E Avenue SW, Dickinson, ND 58601.**

Building Official Leonard Schwindt explains that the request is to exceed the maximum height of the attached accessory structure by 4 feet. Chairman Larry Bares asks if the square footage is a problem and Mr. Schwindt replies, it is not. Mr. Bares clarifies to see if anyone is in the audience to speak on this variance. There was no one to speak on this structure being built. Board Member Bruce Burke wants to know if the City has any recommendations on this structure being built. Mr. Schwindt says that if you look at houses that are built recently most of the garages are taller than the house by the way the trusses are designed, everything is implemented into the design of the home, you do not see the elevation change because the trusses make up the difference. Mr. Schwindt explains part of the city zoning is aesthetics and how they fit in with the neighborhood. Mr. Burke is curious, if this was a whole new building would this structure being built be acceptable. Mr. Schwindt also says that they would have to come in front of the Board of Adjustments to get it approved. Mr. Schwindt explains on a detached structure, if it met the setbacks we would not be in front of the Board of Adjustments. Mr. Burke asks if there are any comments from the public. Mr. Schwindt says there are no comments from the neighbors or the public. Board Member Trevor Ernst is wondering if there are any other structures that are like this. Jeremy Reindel, from the audience, says there are a few south of his house. Mr. Schwindt says if there

were living quarters above the house, they would not be in front of the Board of Adjustments. This applicant wants to put a room up there but it is not habitable because you exit through the garage. Mr. Schwindt does not remember any variances like this that have come through the board, approved or denied. Mr. Chairman agreed. Board Member Shawn Soehren wants to know if this was not attached to the house will the elevation be the same even though it is setback from property lines, it can change the sidewall heights but can it still not be taller than the primary structure? If it was not attached would we be here? Mr. Schwindt states we would not be here. Mr. Schwindt explains for every two feet beyond the three feet you get a foot in height. Mr. Schwindt also explains that the height applies to detached structures. Mr. Schwindt makes a comment that the applicant is not here today but the applicant did make comments about adding onto the house and running the roof line into the addition. Board Member Trevor Ernst is curious to see what Board Member Pat Bren would say as he is more of the attached/detached garage gentlemen. Mr. Ernst states he is not sure how everyone else is feeling. Mr. Burke is wondering if this is approved, if the city would recommend some kind of fire protection. Mr. Schwindt states it would be mandated by the Building Code. Mr. Burke is questions if there is an overall height restriction on residential? Mr. Schwindt explains that yes, generally it is 30-feet. Mr. Bares asks for clarification that this is not a problem, Mr. Schwindt confirms this. Mr. Bares is asking for clarification that the issue is that the garage is slightly taller than the house. Mr. Bares explains that in the pictures it looks like the house comes directly under the eaves of the garage. Mr. Schwindt States once he submits for a building permit those drawings would be more apparent. Board Member Shawn Soehren asks if the variance is only for the height and once the variance is approved if we still have to see the setbacks of the property and Mr. Schwindt states the variance is only for the height. Mr. Soehren states that they could build the addition four foot higher on the southside and it would be okay and they would not have to go through all these hurdles. Community Development Director Josh Skluzacek states that the city would have to take a look at the subdivision and zoning ordinances . Mr. Skluzacek explains some things need to be updated for today's expectations. Mr. Burke thinks it looks good but is concerned about the precedence we would be setting by approving this. Mr. Bares and Mr. Ernst agrees. Mr. Schwindt states that with a updated code this would probably go away. Mr. Schwindt explains that with the

research staff did around building codes the city could not come up with any other reason other than aesthetics. Mr. Ernst asks if this would still be an issue if the house was originally built like and if the roof line was still not the same height as the garage. Mr. Schwindt says we would consider that as the roof line. If this project came into us as the roofline is higher than the house we would still be here. Generally, we allow if the trusses are with the common roof line. Mr. Burke is wondering the size of the lot and Mr. Reindel says .94 acres. Mr. Schwindt says one more thing to consider is the septic tanks can be an issue. Mr. Chairman opened this up to the public. Mr. Bares asks if there was a code change would this be accepted. Mr. Schwindt explains the steps that would have to take place for a code change to happen. Mr. Skluzacek explains that a code change would have to be adopted by the Planning and Zoning Commission.

**Motion made by:** Bruce Burke **Second by:** Shawn Soehren.

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

**C. To exceed the maximum square footage of a detached structure on a MH zoned lot by 420 sq ft (1200 sq ft to 1620 sq ft). Property located at 3259 110 S Avenue SW, Dickinson, ND 58601.**

Dale Potoroff, owner of property, states he has a 1-acre lot north of Dickinson and he wants to put a 14x30 lean-to on the side of his existing garage, so he can put his boat under it. Mr. Potoroff states it is not seen from the road and there are many other buildings that are built way bigger than the one he is looking to build. Chairman Larry Bares is wondering if it is attached. Mr. Potoroff explains that it would be a detached structure. Mr. Bares asks the city if there have been any comments from the neighbors. Building Official Leonard Schwindt states, no comments have been made at this time. Mr. Schwindt states there are many similar projects in this subdivision. Board Member Trevor Ernst asks the applicant, if approved they cannot have any more permitted or unpermitted structures on the property. Mr. Potoroff agreed to this. Mr. Chairman opened the public for hearing, no one was present to speak for or against. Mr. Ernst motions to approve the request as written with the condition that there can be no permitted or unpermitted structures built on this property.

**Motion made by:** Trevor Ernst **Second by:** Shawn Soehren.

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

3. **OTHER BUSINESS**

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

4. **ADJOURNMENT**

Prepared by:

X

Nicole Snyder

Approved by:

X

Leonard W. Schwindt



# Staff Report

Section 2. Item A.

**To:** Board of Adjustment  
**From:** City of Dickinson Development Team  
**Date:** 7/19/2023  
**Re:** Variance request to reduce the front yard setback

## OWNER/APPLICANT

Owner Representative: Trevor Ernst  
 Calvin & Vicky Steiner  
 694 Park Street, Dickinson, ND

**Public Hearings:** {8/14/2023}

Board of Adjustment

## REQUEST

- A. Request:** Request to reduce the required front yard setback of 25 feet on a R1 zoned lot to 8 feet 9 inches.
- B. Project Address/Legal Description/Area:** 694 Park Street, Lot 12 Block 2 Park Hill Addition

## STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses:** Use of the property is for a single family detached structure.
- B. Public Input:** No public comments at the time of this report.
- C. Staff Recommendation:** The City Development Team staff acknowledges the property does have building challenges. Based on adjacent property setbacks and City of Dickinson infrastructure running through the property staff recommends approval.

Table I: Current Zoning and Use

<b>ZONING</b>	<b>R1</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>Residential</b>
<b>GROSS SITE ACREAGE</b>	<b>.275</b>

Table II: Current Adjacent Land Use/Zoning

Direction	Zoning	Land Use
North	R2	Medium Density Residential
East	R1	Low Density Residential
South	R1	Low Density Residential
West	R1	Primary Ed./Religious Assembly

**Attachments:**

- A - Application Material

**MOTIONS:**

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

*"I move the City of Dickinson Board of Adjustment recommend Approval of a variance request to reduce the required front yard setback of 25 feet on a R1 zoned lot to 8 feet 9 inches 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 front your setback** 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 <noreply@jotform.com>  
**Sent:** Tuesday, July 11, 2023 3:00 PM  
**To:** Nicole Snyder; Sylvia Miller; Leonard W. Schwindt  
**Subject:** Re: Board of Adjustment



## Board of Adjustment

Who is the applicant	Authorized Personnel
Property Owner	CAL STEINER
Property Owner's Phone Number	(701) 290-1376
Property Owner's Email	VSTEINER@NDSUPERNET.COM
Property Owner's Address	694 PARK STREET, DICKINSON, ND, 58601
Property Owner's Signature or Authorization Letter	<a href="#">scan20230711_20230711142008.pdf</a>
Applicant Name	TREVOR ERNST
Applicant's Phone Number	(701) 290-7827
Applicant's Email	ERNHOMES@GMAIL.COM
Applicant's Address	1516 i-94 BUSINESS LOOP EAST, DICKINSON, ND, 58601
Property Location	694 PARK STREET, DICKINSON, ND, 58601
Property Legal Description	LOT 12, BLOCK 2, PARK HILL ADDITION
Zoning District	R1

Existing Use

RESIDENCE

General Description of Request

REDUCE FRONT YARD SETBACKS OF 25FT ON A R1 ZONES LOT TO 8FT 9 INCHES

Purpose Statement

[scan20230711\\_20230711141955.pdf](#)

Site Plan

[scan20230711\\_20230711142334.pdf](#)

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

SEE ATTACHMENTS

Zoning Code Sections Relevant to this Request

BUILDING COE SECTION 39.04.005

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

No

Applicant/Property Owner Signature



Date

07-11-2023

Board of Adjustment

Board of Adjustment

150.00 USD

Total:

\$150.00

Transaction ID:

hdadg469

==Payer Info==

First Name TREVOR  
Last Name ERNST

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

**Attachments:** Because the total size is more than 5MB the uploads are not attached.

To Whom It May Concern:

I am writing to address the reason for requesting the front yard setback variance on behalf of Vicky and Cal Steiner for Lot 12, Block 2, Park Hill Addition (694 Park Street). We are requesting a variance because of multiple hardships that are present on this lot:

- 1) There is an approximately 30 foot drop in elevation from the front of the lot to the back, making it only feasible to build on the front of the lot.
- 2) The house built directly to the NE of this lot has a setback of approximately 8 feet and 9 inches off the front lot line. We are not requesting to build any closer to the front lot line on Lot 12 than this house is built.
- 3) There is a City of Dickinson sewer line, and wastewater drain line, running on the lot line on the NE side of Lot 12 that has no recorded easement for it. We are trying to maintain proper setbacks from these two lines so as to not cause any problems.
- 4) This is the last lot to be built on in this neighborhood. There are no other lots to set a future precedent for building this close to the lot line. We are also not encroaching any closer to the front lot line than other houses that are already constructed.

We will also be maintaining a 20 foot setback for the garage, so we will not be parking on the right of way. This is also a greater distance than the neighboring property and maintains the minimum 20 foot setback for driveways that the City requests. Thus we would be maintaining the spirit and intent of the City of Dickinson building codes.

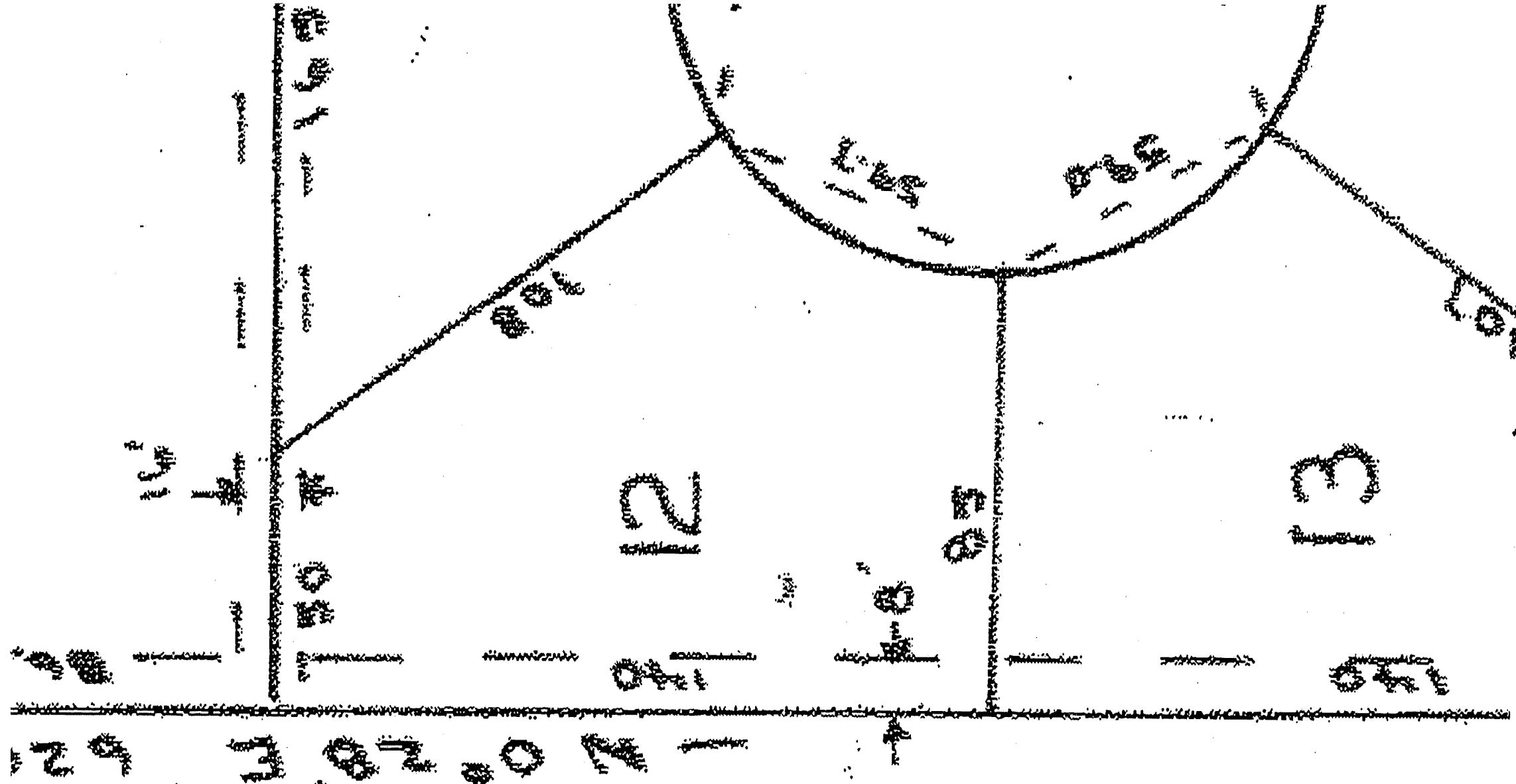
Granting this request would be beneficial for this neighborhood and the City of Dickinson. We would be converting this vacant lot into a buildable lot as the slope currently makes it unfeasible to build on it. Building on this lot would improve the aesthetics of the neighborhood while increasing the property tax revenues for the city. We would also be avoiding potential possible issues concerning City of Dickinson sewer and wastewater lines running through a private lot without a recorded easement.

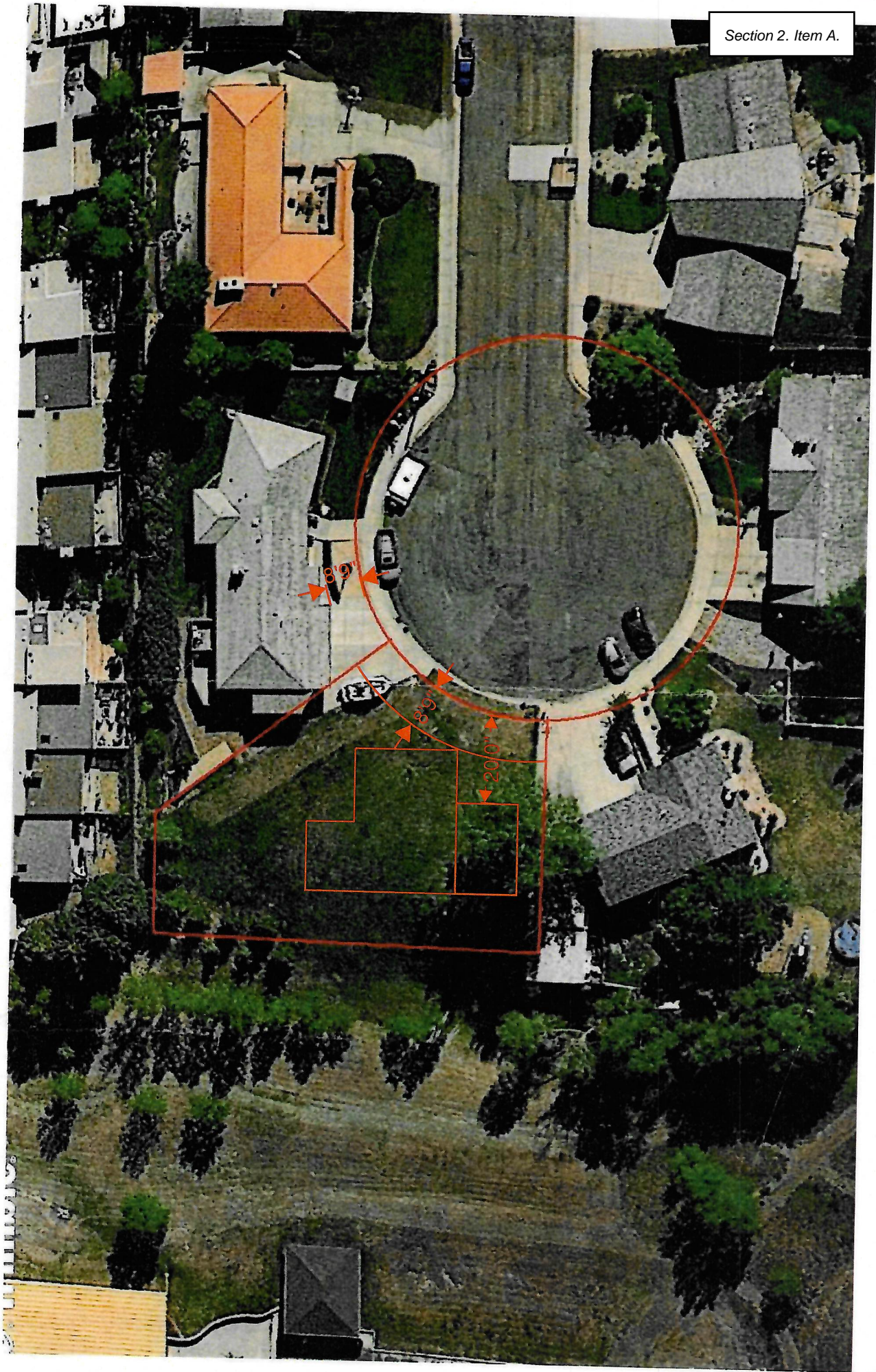
Thank you for your time and consideration!

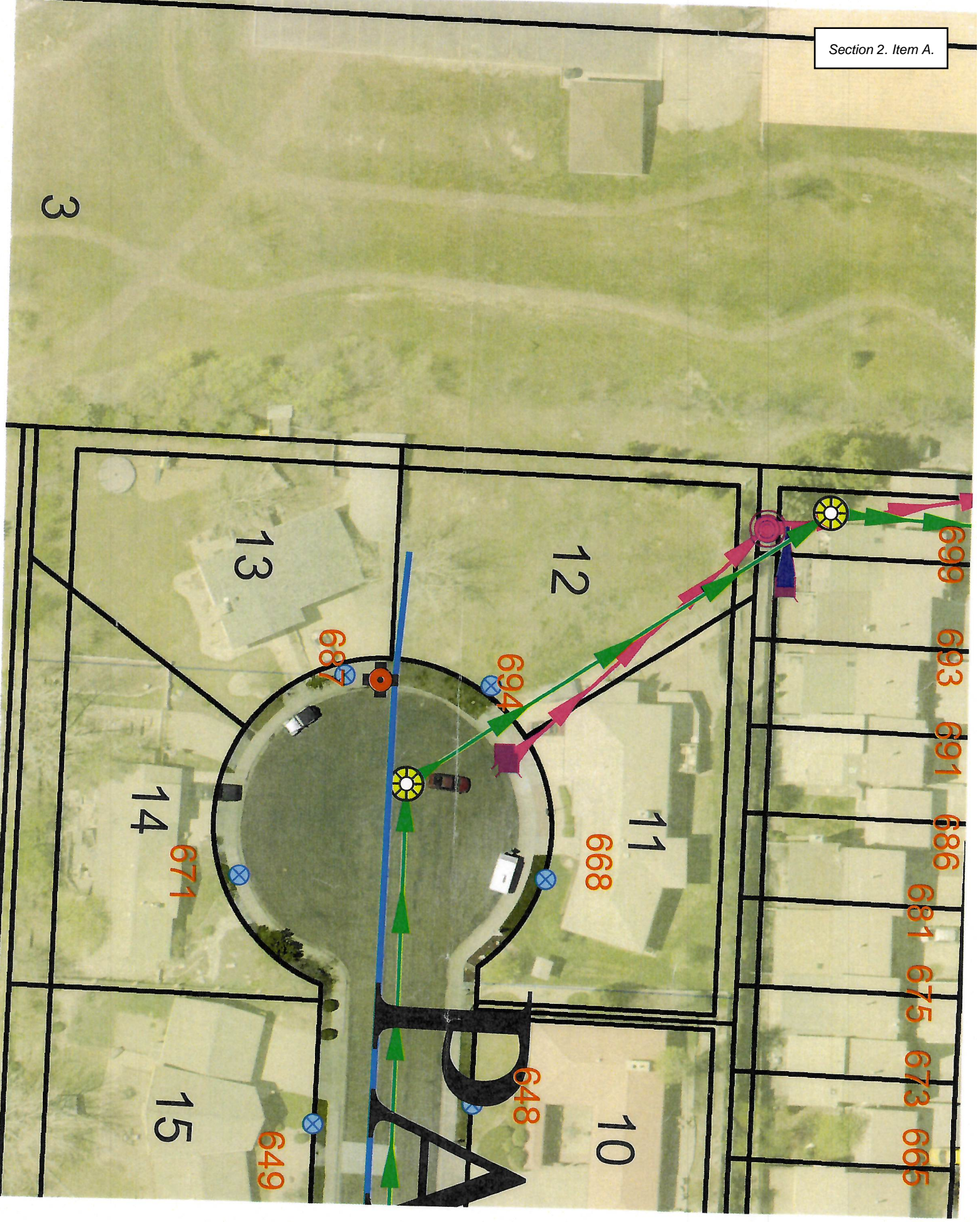


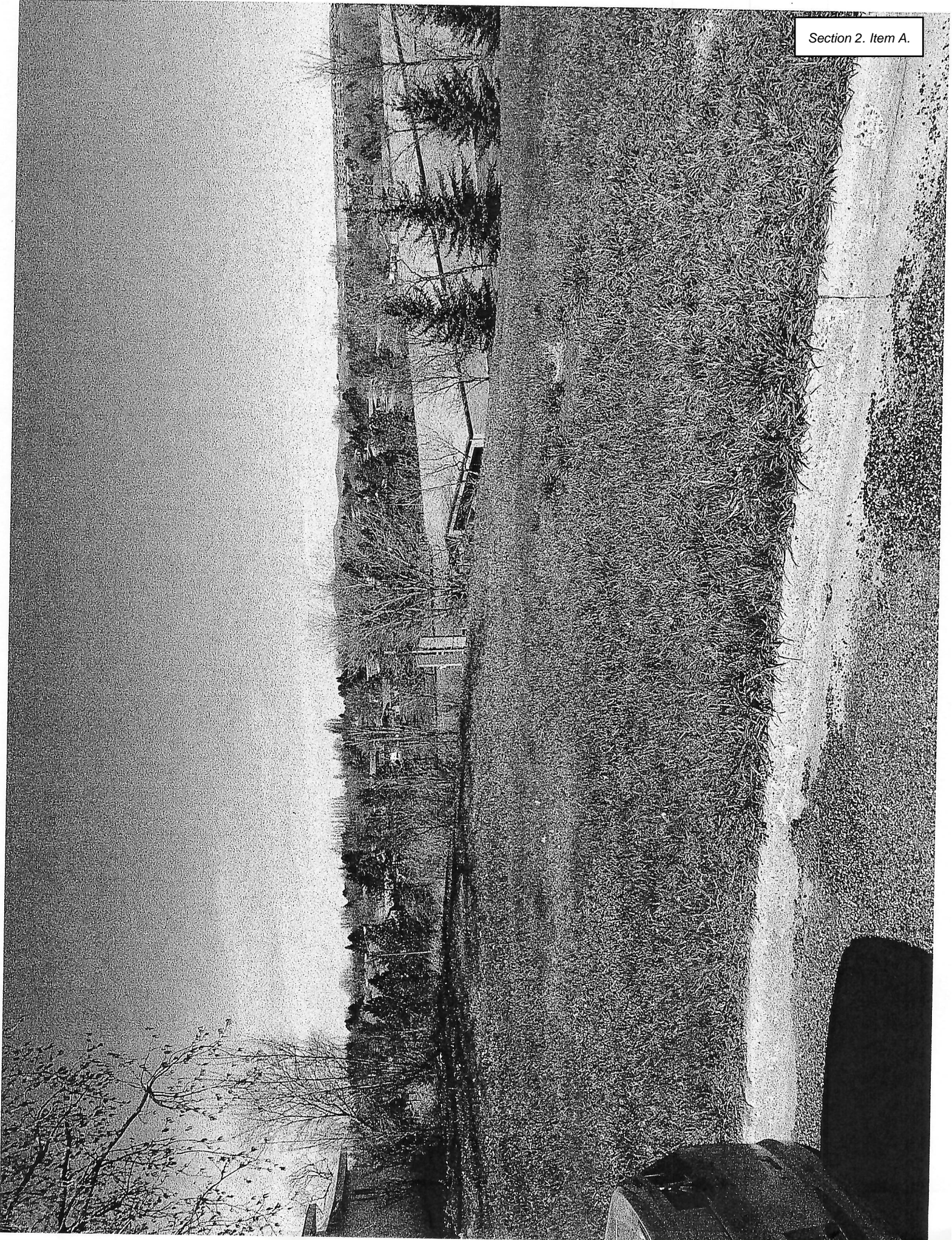
Trevor Ernst  
Eren Homes  
701-290-7827











7-11-23

I authorize Trevor  
Ernst with Eren Homes  
to apply for a variance  
with the Board of  
Adjustments in Dickinson,  
N.D. in August meeting.  
Thank you.

Sincerely, Vicky + Carl  
STEINER  
Vicky Steiner