



BOARD OF ADJUSTMENT MEETING AGENDA

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

Commissioners:

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

CALL TO ORDER

ROLL CALL

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. STANDARD MOTIONS

A. AUGUST 2026 MINUTES

2. REGULAR AGENDA

A. 2845 10TH AVE E

Request to reduce the minimum Agriculture (AG) lot size of 10 acres to 8.745 acres. This property is located at 2845 10th Avenue East – Lot 4 Block 1 Zowie Heights Addition Subdivision - a tract of land situated in the SE ¼ of Section 27, Township 140 N, Range 96 West of the 5th Principal Meridian, Stark County, ND 58601

3. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

4. OTHER BUSINESS

5. ADJOURNMENT

Link for viewing Board of Adjustment Meeting:

<https://youtube.com/live/KeyvO8WEeQI>

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

Teams Meeting: <https://tinyurl.com/BOA101220026>

Teams Meeting ID: 236 189 415 767 60

Meeting Passcode: xf7QX2KA

Teams Phone #: 1-701-506-0320

Phone Conference ID: 139 047 2#

Local Phone #: 701-456-7006

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



BOARD OF ADJUSTMENT MEETING MINUTES

Monday, August 10, 2026 at 7:30 AM MT
City Hall – 38 1st Street West Dickinson, ND 58601

Commissioners:

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

CALL TO ORDER

Meeting called to order at 7:30AM.

ROLL CALL

PRESENT

Trevor Ernst
Pat Bren
Bruce Burke
Troy Bosch

ABSENT

Shawn Soehren

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. STANDARD MOTIONS

A. APPOINTMENT OF BOARD MEMBERS

Appointment of Board Members Pat Bren & Bruce Burke.

B. JANUARY 2026 MINUTES

Motion to approve minutes as presented.

Motion made by Bosch, Seconded by Bren.

Voting Yea: Ernst, Bren, Burke, Bosch

2. REGULAR AGENDA

A. 2845 10TH AVENUE E

Request to reduce the minimum Agriculture (AG) lot size of 10 acres to 8.745 acres.

This property is located at 2845 10th Avenue East - a tract of land situated in the SE ¼ of Section 27, Township 140 N, Range 96 West of the 5th Principal Meridian, Stark County, ND 58601

Vice Chair Trevor Ernst presents the variance request.

Applicant Jason Tormaschy took the stand and explained he was proposing the 8.745-acre parcel as part of a land division. Nick Jensen with Western Edge Surveying attended virtually and clarified that a pre-application meeting had already been completed with City of Dickinson Planning and Zoning. He noted that a private sale for the companion 30-acre parcel is pending and had been agreed upon prior to the

municipal code update. Jensen stated the required right-of-way dedications along 4th Street and 10th Avenue reduced the smaller parcel below the minimum 10-acre agricultural lot size, prompting the need for a variance. He further explained that because of existing flood areas and land constraints, no additional development would be feasible that would justify or support any type of rezoning.

City Planner Natalie Birchak reviewed the relevant municipal code and zoning requirements. She explained that agricultural zoning requires a minimum lot size of 10 acres, and the proposed 8.745-acre parcel does not meet that standard. Birchak noted the property sits within the Rural Reserve Future Land Use designation, meaning the City would not support rezoning the parcel to Rural Residential, which has a 1-acre minimum. She stated that maintaining agricultural zoning is the intended path, and Planning and Zoning could only recommend approval if the Board of Adjustment grants the variance. Birchak also clarified that no future development is expected on the 8-acre parcel, while the 30-acre parcel could potentially be developed but only through a future rezoning process.

Board Member Pat Bren asked what would happen if the Board did not approve the request. Birchak explained that Planning and Zoning would be required to recommend denial during the subdivision review because the lot would not meet the municipal code's agricultural minimum.

Board Member Bruce Burke asked if any concerns had been raised by neighboring properties. Building Official Leonard Schwindt stated that only general inquiries were received, with no objections. Birchak added that one resident had questions but was satisfied once the proposal was explained.

Community Development Coordinator Joshua Skluzacek added that the minimum agricultural lot size was recently updated to 10 acres through a municipal code change. The applicant's land division plans were established before this update, which created the conflict with current code. Birchak also explained the right-of-way dedications along 4th Street and 10th Avenue reduced acreage on both sides, resulting in the 8.745-acre figure.

Burke asked whether anything should be added to an approval to clarify future expectations for the property. Schwindt explained that any future development would require a formal rezoning process, and no additional conditions were necessary; any changes to municipal code would follow standard procedures.

Motion to approve.

Motion made by Burke, Seconded by Bosch.

Voting Yea: Ernst, Bren, Burke, Bosch

3. PUBLIC ISSUES OF CONCERN NOT ON AGENDA
4. OTHER BUSINESS
5. ADJOURNMENT

Motion to adjourn at 7:41AM.

Motion made by Bosch, Seconded by Bren.

Voting Yea: Ernst, Bren, Burke, Bosch

Link for viewing Board of Adjustment Meeting:

<https://youtube.com/live/Vfm7YxkzB7g>

This link will not be live until approximately 7:25 AM MT on August 10, 2026

Teams Meeting: <https://tinyurl.com/BOA08102026>

Teams Meeting ID: 262 539 088 997 78

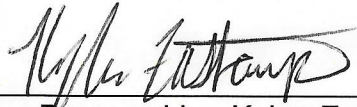
Meeting Passcode: AX2Gp3Na

Teams Phone #: 1-701-506-0320

Phone Conference ID: 478 606 616#

Local Phone #: 701-456-7006

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



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



Approved by: Leonard Schwindt, Building Official



Staff Report

Section 2. Item A.

To: Board of Adjustment
From: City of Dickinson Development Team
Date: 10/05/2026
Re: Reduction of AG zoned Lot from 10 acres to 8.745 acres.

OWNER/APPLICANT

Owner Representative: Nick Jensen
 2845 10th Ave E, Dickinson, ND 58601

Public Hearings: 10/12/2026

Board of Adjustment

REQUEST

- A. Request:** Request to reduce the required 10-acre minimum AG lot size to 8.745 acres.
- B. Project Address/Legal Description/Area:** 2845 10th Avenue East – Lot 4 Block 1 Zowie Heights Addition Subdivision - a tract of land situated in the SE ¼ of Section 27, Township 140 N, Range 96 West of the 5th Principal Meridian, Stark County, ND 58601

STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses:** The combination of Rural Reserve FLUM designation, flood hazard limitations, and existing development on the buildable portion is specific to this property and is not shared generally by other AG-zoned properties in the vicinity.
- B. Public Input:** Inquiry only.
- C. Staff Recommendation:** The property is designated as Rural Reserve under the Future Land Use Map (FLUM), a designation intended to protect the property from counterproductive land uses and reserve it for future annexation. City planning staff has advised maintaining the current AG zoning consistent with the Rural Reserve designation rather than rezoning too Rural Residential.

Table I: Current Zoning and Use

ZONING	AG
FUTURE LAND USE MAP DESIGNATION	Rural Reserve

GROSS SITE ACREAGE	8.745
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Table II: Current Adjacent Land Use/Zoning

Direction	Zoning	Land Use
North	AG	Agriculture
East	AG	Agriculture
South	AG	Agriculture
West	AG	Agriculture

Attachments:

- Application Materials

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Board of Adjustment recommend **Approval of a reduction of the required 10 acre AG zoned lot to 8.745 acres.**, 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 **reduction of the required 10 AG 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."*

Lot Attachment:



From: [Jotform](#)
To: [Sylvia Miller](#); [Sylvia Miller](#); [Leonard W. Schwindt](#); [Kylee Zastoupil](#)
Subject: Re: Board of Adjustment
Date: Tuesday, July 14, 2026 6:05:10 PM
Attachments: [Tormaschy_BOA_Submittal.pdf](#)
[26-008 Tormaschy Prelim Submittal.pdf](#)
[26-008 Tormaschy Prelim Submittal Image.pdf](#)
[Tormaschy Pre-Application Letter.pdf](#)
[6598830341812611518.pdf](#)
[6598830341812611518_signature_33.png](#)



Board of Adjustment

Who is the applicant	Authorized Personnel
Property Owner	Jason Tormaschy
Property Owner's Phone Number	(701) 690-2115
Property Owner's Email	jhtormas@ndsupernet.com
Applicant Name	Nick Jensen
Applicant's Phone Number	(701) 505-8209
Applicant's Email	nick.jensen@westernedgesurveying.com
Property Location	2845 10th Ave E, Dickinson, ND, 58601
Property Legal Description	A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 140 NORTH, RANGE 96WEST OF THE 5TH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA AS DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER 1/4 CORNER OF THE ABOVE SAID SECTION 27, THE POINT OF BEGINNING, THENCE ON A BEARING OF NORTH 89 DEGREES 57 MINUTES 30 SECONDS EAST ON AND ALONG THE 1/4 LINE A DISTANCE OF 2033.7 FEET, THENCE ON A BEARING OF SOUTH ON AND ALONG THE BOUNDARY OF A PREVIOUSLY DEEDED TRACT A DISTANCE OF 155.6 FEET, THENCE ON A BEARING OF EAST ON AND ALONG THE BOUNDARY OF A PREVIOUSLY DEEDED TRACT A DISTANCE OF 600 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 27, THENCE ON A BEARING OF SOUTH ON AND ALONG THE EAST LINE OF SAID SECTION 27 A DISTANCE OF 541 FEET, THENCE ON A BEARING OF SOUTH 89 DEGREES 57 MINUTES 10 SECONDS WEST A DISTANCE OF 2634.2 FEET TO A POINT ON THE 1/4 LINE, THENCE ON A BEARING OF NORTH ON AND ALONG THE

1/4 LINE A DISTANCE OF 697 FEET TO THE POINT OF BEGINNING.

Zoning District

AG

Existing Use

AG

Zoning/Use

	Adjacent Zoning	Adjacent Use
North	RR	AG
South	AG	AG
East	AG	AG
West	AG	AG

General Description of Request

Variance to permit Lot 2 of the Zowie Heights Subdivision to be 8.745 acres, less than the 10-acre AG minimum lot size.

Purpose Statement

[Tormaschy_BOA_Submittal.pdf](#)

Site Plan

[26-008 Tormaschy_Prelim_Submittal.pdf](#)
[26-008 Tormaschy_Prelim_Submittal_Image.pdf](#)

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

The property is designated as Rural Reserve under the Future Land Use Map (FLUM), a designation intended to protect the property from counterproductive land uses and reserve it for future annexation. City planning staff has advised maintaining the current AG zoning consistent with the Rural Reserve designation rather than rezoning to Rural Residential.

Additionally, the majority of Lot 2 is within a FEMA-designated Special Flood Hazard Area (Zone AE), which restricts development of most of the parcel regardless of lot size. The buildable area outside the flood hazard has been developed with the existing residence and shop.

The combination of Rural Reserve FLUM designation, flood hazard limitations, and existing development on the buildable portion is specific to this property and is not shared generally by other AG-zoned properties in the vicinity.

Zoning Code Sections Relevant to this Request

Section 62-162, Table 62-162-3a — Development Regulations
Section 62-61 — Variances

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

No

Copies of any order, requirement, decision, or determination made by an administrative official of the City of Dickinson that

[Tormaschy Pre-Application Letter.pdf](#)

is relevant to this request.

Applicant/Property Owner
Signature



Date 07-14-2026

Board of Adjustment	Board of Adjustment	150.00 USD
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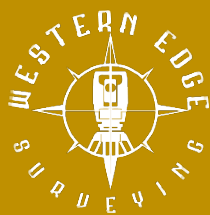
Total:	\$150.00
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Transaction ID: 96q11x68

Payment Information

First Name:	Nicholas
Last Name:	Jensen
E-Mail	jhtormas@ndsupernet.com

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



Western Edge Surveying, PLLC
1175 Lincoln Street
Dickinson, ND 58601

Phone: (701) 505-8209
Email: nick.jensen@westernedgesurveying.com
Website: www.westernedgesurveying.com

To: Natalie Birchak – City Planner
City of Dickinson
38 1st Street West
Dickinson, ND
Date: July 7th, 2026

RE: Variance Application — Zowie Heights Subdivision, Lot 2
Zoning District: Agricultural (AG)

Dear Members of the Board of Adjustment:

On behalf of the property owner, we are submitting the enclosed application for a variance from Section 62-162, Table 62-162-3a of the City of Dickinson Zoning Ordinance to permit Lot 2 of the proposed Zowie Heights Subdivision to be established at 8.745 acres, less than the 10-acre minimum lot size required in the Agricultural (AG) zoning district.

Property Overview

The subject property is a 40-acre parent parcel located in the SE¼ of Section 27, Township 140 North, Range 96 West, in the City of Dickinson's Extra-Territorial Zone (ETZ). The property is being subdivided into Lot 1 (30.000 acres) and Lot 2 (8.745 acres), with 0.640 acres dedicated as right-of-way on the west and 0.621 acres dedicated as right-of-way on the east. Lot 2 includes an existing single-family residence and shop.

Basis For The Variance Request

The property is designated as Rural Reserve under the current Future Land Use Map (FLUM). This variance request has been developed under the advisement of city planning staff, who have recommended maintaining the AG zoning consistent with the Rural Reserve designation rather than rezoning to Rural Residential.

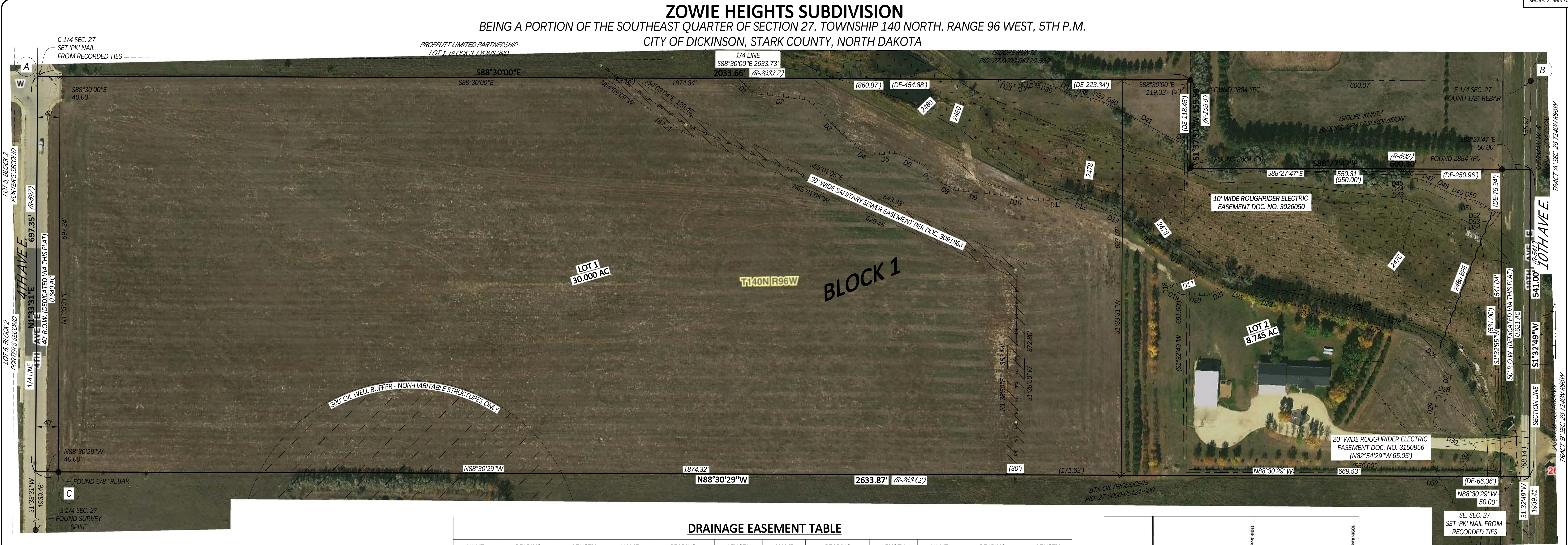
The majority of Lot 2 is within a FEMA-designated Special Flood Hazard Area (Zone AE), which restricts development of most of the parcel. The buildable area outside the flood hazard has been developed with the existing residence and shop.

Request

The property owner respectfully requests that the Board of Adjustment grant a variance from the 10-acre AG minimum lot size to permit Lot 2 to be established at 8.745 acres as depicted on the proposed subdivision plat.

Respectfully submitted,

Nicholas R. Jensen, PLS
Western Edge Surveying, PLLC



BOUNDARY DESCRIPTION:

PER WARRANTY DEED RECORDED IN BOOK 237, PAGE 97, AND CHECKED AGAINST DOCUMENT NO. 3157672 STARK COUNTY, NORTH DAKOTA

A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE 5TH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA AS DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER 1/4 CORNER OF THE ABOVE SAID SECTION 27, THE POINT OF BEGINNING, THENCE ON A BEARING OF NORTH 89 DEGREES 57 MINUTES 30 SECONDS EAST ON AND ALONG THE 1/4 LINE A DISTANCE OF 2033.7 FEET, THENCE ON A BEARING OF SOUTH ON AND ALONG THE BOUNDARY OF A PREVIOUSLY DEEDED TRACT A DISTANCE OF 155.6 FEET, THENCE ON A BEARING OF EAST ON AND ALONG THE BOUNDARY OF A PREVIOUSLY DEEDED TRACT A DISTANCE OF 600 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 27, THENCE ON A BEARING OF SOUTH ON AND ALONG THE EAST LINE OF SAID SECTION 27 A DISTANCE OF 541 FEET, THENCE ON A BEARING OF SOUTH 89 DEGREES 57 MINUTES 10 SECONDS WEST A DISTANCE OF 2634.2 FEET TO A POINT ON THE 1/4 LINE, THENCE ON A BEARING OF NORTH ON AND ALONG THE 1/4 LINE A DISTANCE OF 697 FEET TO THE POINT OF BEGINNING.

SAID TRACT NOW PLATTED AS ZOWIE HEIGHTS SUBDIVISION CONTAINS 40.006 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS AGREEMENTS, EASEMENTS, CONVEYANCES, AND SURVEYS.

BASIS OF BEARINGS:

SURVEY BASED ON NORTH DAKOTA SOUTH ZONE NAD1983 (2011), INTERNATIONAL FOOT. BEARINGS ARE GRID, DISTANCES ARE GROUND, USING A SCALE FACTOR OF 1.0001799774. COORDINATES ARE GRID. VERTICAL DATUM IS NAVD88 (GEOID18).

SURVEYOR'S CERTIFICATE:

I, NICHOLAS R. JENSEN, REGISTERED LAND SURVEYOR, N.D. NO. 29362 DO HEREBY CERTIFY THAT ZOWIE HEIGHTS 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

SUBDIVISION NOTES:

- 1) A 40' STRIP LYING EAST OF THE WEST BOUNDARY LINE WAS PREVIOUSLY GRANTED PER EASEMENT DOCUMENT NO. 3091864.
- 2) A 50' STRIP LYING WEST OF THE EAST BOUNDARY LINE WAS PREVIOUSLY GRANTED PER EASEMENT DOCUMENT NO. 189001.
- 3) A PORTION OF ZOWIE HEIGHTS SUBDIVISION FALLS WITHIN SPECIAL FLOOD HAZARD AREAS AS SHOWN. PER FEMA FIRM NO. 38089C0102F DATED AUGUST 28TH, 2024. DRAINAGE EASEMENT FOLLOWS THE MAPPED AREA FOR ZONE X & ZONE AE AS INDICATED PER SAID FEMA FIRM.
- 4) OIL AND GAS WELL INFORMATION PER NORTH DAKOTA INDUSTRIAL COMMISSION:
OPERATOR: SCOUT ENERGY MANAGEMENT
WELL NAME: 9403 JV-P RASHKO 1
FILE NO.: 13692
LOCATION OF WELL HEAD WAS DOCUMENTED AT TIME OF THIS SURVEY TO REFLECT 300' NON-HABITABLE STRUCTURE BUFFER.

SURVEY NOTES:

- 1) UTILITIES DEPICTED ARE THE RESULT OF AN 811 CALL TICKET #26023437 AND WERE EITHER MARKED OR ELECTRONICALLY SUBMITTED TO THE SURVEYOR. SURVEYOR MAKES NO GUARANTEES TO THE PHYSICAL LOCATION OF UTILITIES.
- 2) DATE OF LATEST FIELD WORK: XXXXXXXXXX

ZOWIE HEIGHTS SUBDIVISION

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 140 NORTH, RANGE 96 WEST, 5TH P.M.
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

DRAINAGE EASEMENT TABLE

NAME	BEARING	LENGTH	NAME	BEARING	LENGTH	NAME	BEARING	LENGTH	NAME	BEARING	LENGTH
D1	S44°51'10"E	38.45'	D17	S72°29'57"W	63.90'	D33	S72°55'14"E	39.43'	D49	S69°03'17"E	27.62'
D2	S81°51'39"E	94.29'	D18	S7°40'30"E	5.68'	D34	N70°25'10"E	23.54'	D50	S77°54'06"E	20.99'
D3	S44°33'01"E	119.30'	D19	S63°15'04"E	22.06'	D35	S84°23'02"E	13.68'	D51	S63°46'52"E	15.00'
D4	S61°37'27"E	32.20'	D20	S85°46'27"E	45.31'	D36	S70°13'02"E	38.35'	D52	S54°01'34"E	21.01'
D5	N86°40'38"E	44.81'	D21	N64°00'46"E	35.76'	D37	S58°08'06"E	22.00'	D53	S69°13'47"E	9.96'
D6	S64°14'12"E	47.70'	D22	S70°21'51"E	53.38'	D38	S79°05'14"E	42.86'	D54	N86°03'41"E	6.25'
D7	S44°10'36"E	42.66'	D23	S77°11'59"E	50.47'	D39	S69°58'35"E	15.62'			
D8	S60°11'59"E	33.24'	D24	S72°36'56"E	97.09'	D40	S63°28'09"E	33.67'			
D9	S83°06'27"E	64.28'	D25	S77°56'37"E	149.59'	D41	S59°58'56"E	102.50'			
D10	S80°17'28"E	87.22'	D26	S42°35'42"E	84.51'	D42	S63°00'26"E	39.60'			
D11	N85°01'53"E	51.57'	D27	S5°56'54"W	48.71'	D43	S67°41'44"E	17.24'			
D12	S72°22'02"E	43.86'	D28	N78°08'23"W	21.31'	D44	S74°14'31"E	10.45'			
D13	S64°14'01"E	82.71'	D29	S8°37'16"W	58.68'	D45	S84°15'49"E	34.57'			
D14	S47°25'59"E	67.19'	D30	S62°20'11"E	84.55'	D46	S80°14'23"E	46.87'			
D15	S63°32'45"E	52.93'	D31	S33°49'19"W	51.77'	D47	S67°49'56"E	23.76'			
D16	S43°21'11"E	29.13'	D32	S31°57'21"E	9.59'	D48	S59°18'43"E	32.42'			

AREA TABLE	
LOT 1 ACREAGE	30.000 AC ±
+ DEDICATED ACREAGE	0.640 AC ±
TOTAL	30.640 AC ±
LOT 2 ACREAGE	8.745 AC ±
+ DEDICATED ACREAGE	0.621 AC ±
TOTAL	9.366 AC ±
DEDICATED AREA TOTAL	1.261 AC ±
SUBDIVISION TOTAL	40.006 AC ±

LEGEND:

- FOUND MONUMENT (AS DESCRIBED)
- ⊙ SET MONUMENT 5/8X24" REBAR W/2" ALUM CAP STAMPED "WES 29362" (UNLESS NOTED OTHERWISE)
- CALCULATED POINT (NOT SET)
- BOUNDARY LINE
- LOT LINE
- UTILITY EASEMENT EDGE
- DRAINAGE EASEMENT BOUNDARY
- (R-100.00) RECORD DISTANCE
- (100.00) EASEMENT TIE DISTANCE
- (DE-100.00) DRAINAGE EASEMENT TIE DISTANCE
- + + + + + FEMA "REGULATORY FLOODWAY"
- — — — — ELECTRIC LINE
- SAN — SAN — SAN — SANITARY SEWER LINE
- W — W — W — WATER LINE

PROPRIETORS CERTIFICATE:

WE, JASON H. TORMASCHY AND LISA TORMASCHY, OWNERS AND PROPRIETORS OF ZOWIE HEIGHTS SUBDIVISION TO CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, ON THIS PLAT SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL UTILITY EASEMENTS AND PUBLIC STREET RIGHT-OF-WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SUBSCRIBED OUR NAMES:

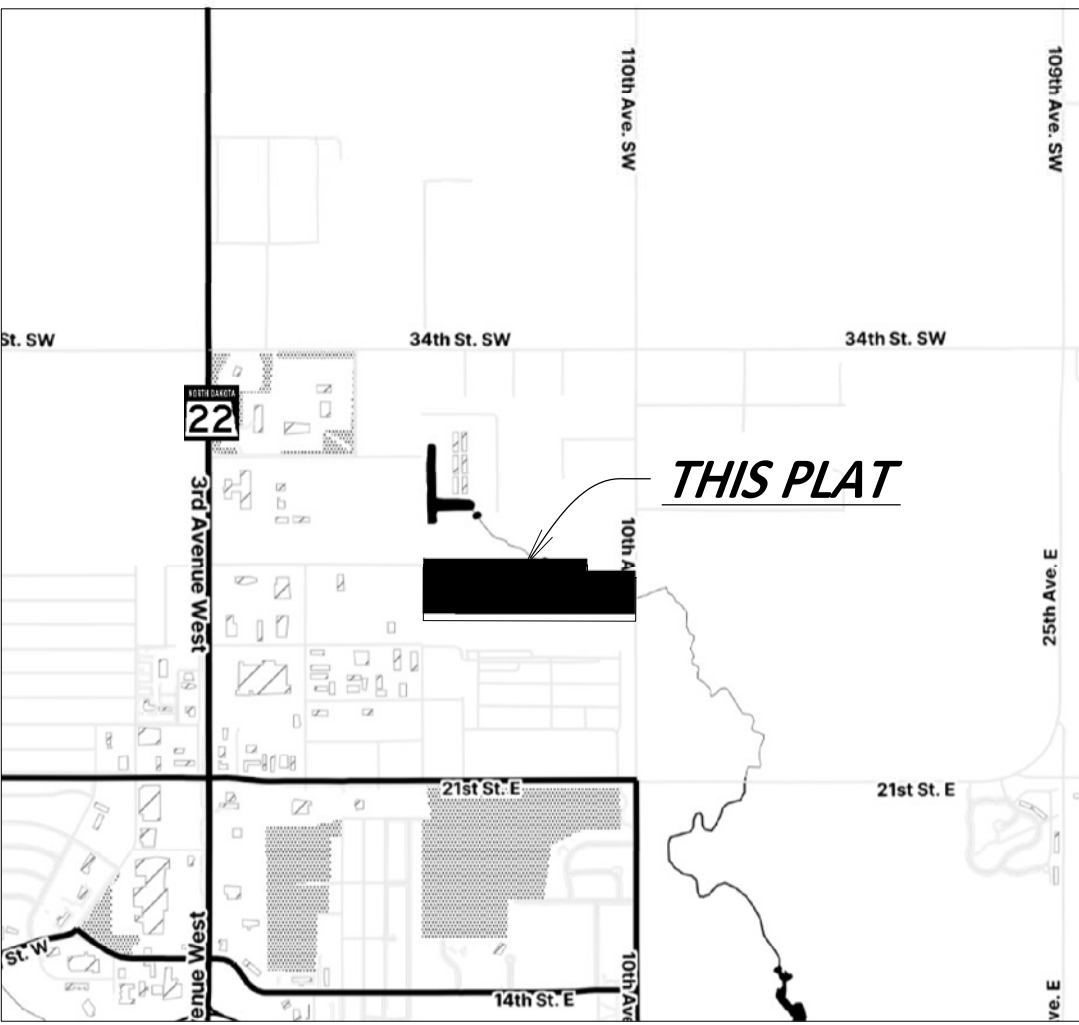
BY: JASON H. TORMASCHY
BY: LISA TORMASCHY

STATE OF _____ SS
COUNTY OF _____

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND OF SAID COUNTY AND STATE, PERSONALLY APPEARED JASON H. TORMASCHY AND LISA TORMASCHY, 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.

MY COMMISSION EXPIRES: _____
NOTARY PUBLIC

RESIDING AT THE COUNTY OF _____, STATE OF _____



VICINITY MAP

SCALE: NTS

CITY OF DICKINSON COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

CITY ENGINEER APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

CITY PLANNING AND ZONING COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____

SIGNATURE: _____ DATE: _____

STARK COUNTY COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____

SIGNATURE: _____ DATE: _____

COORDINATE TABLE		
NAME	NORTHING	EASTING
A	462508.85	1398967.13
B	462439.92	1401599.48
C	461810.85	1398988.15

DRAWN BY: NRJ

SHEET: 1 OF 1

PROJECT NO: 26-008

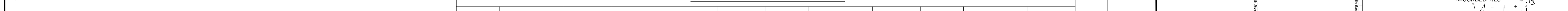
DATE: 6/26/26

WESTERN EDGE SURVEYING, PLLC

P.O. BOX 168
DICKINSON, ND 58601
PHONE: (701) 505-8209

WWW.WESTERNEDGESURVEYING.COM

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 140 NORTH, RANGE 96 WEST, 5TH P.M.
PARTNERSHIP CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE 5TH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA AS DESCRIBED AS FOLLOWS:

PRELIMINARY

RESIDING AT THE COUNTY OF _____, STATE OF _____



PRE-APPLICATION RESPONSE

COMMUNITY DEVELOPMENT

April 13th, 2026

Nick Jensen
Western Edge Surveying PLLC
PO Box 168
Dickinson, ND 58601

nick.jensen@westernedgesurveying.com

RE: March 31, 2026 Pre-application Meeting Response Letter Regarding: 2845 10th Avenue East, Dickinson, ND 58601. SE4 N697' Less N160'XE600' 27-140-96 40 Acres

Dear Mr. Jensen:

Thank you for meeting with City staff on March 31, 2026 for a discussion regarding your development request. This letter serves as an outline of the request, a summary of the pre-application meeting discussion, and responses from the following City of Dickinson departments:

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

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

In Attendance:

Nick Jensen - Surveyor

Jason Tormaschy - Owner

Natalie Birchak, City Planner

Leah Upchurch, Public Works

Chris Dickinson City Assessor

Deb Kirschenheiter, Deputy Assessor

Josh Skluzacek, City Engineer/Community Development Director

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Leonard Schwindt, City Building Official
Mark Selle, Deputy Fire Chief
Steve Josephson, City/County Planner
Matt Hanson, Deputy Police Chief
Kris Keller, Senior Engineer
Dan Minor, Project Engineer
Greg Melchior, Construction Project Manager
Sylvia Miller, Executive Assistant - Community Development
Ben Rae, Park and Rec Director

Executive Summary: The property owner is looking to subdivide the existing property into two separate lots. Both resulting lots will be less than 40 acres, and right-of-way must be dedicated on the eastern and western sides of the property, so a major subdivision will be required.

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

Project Description:

"We will be looking to split the existing parcel into two parcels. One containing 30 acres and the other 10-acre parcel will be around the existing house."

Requests/Questions from the applicant:

"Purpose is to sell off the 30-acre parcel, which is already under contract."

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

- Pre-Application Request Form
- Site plan

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

Planning: The property owner has indicated they are looking to subdivide a property. According to the Municipal Code Section 52-1: Definitions, in order to be considered a minor subdivision, a plat has to meet the following four criteria:

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

4th Avenue East is designated as a collector road. According to the updated Dickinson Transportation Master Plan, 10th Avenue E is planned to be designated as a collector. Based on

the updated collector road sections from the Transportation Master Plan, the property owner must dedicate 40 feet of right-of-way along 4th Avenue East and 50 feet of right-of-way along 10th Avenue East. As the property owner must dedicate right-of-way, the proposed subdivision will be considered a major subdivision. Major subdivisions require one public hearing as a preliminary subdivision plat in front of the Planning and Zoning Commission, then an additional public hearing as a final subdivision plat in front of the Planning and Zoning Commission before receiving final approval from the City Commission.

The site is currently zoned Agricultural (AG). According to Table 62-162-3a. Summary of Site Development Regulations, the minimum lot size for the AG zoning district is 10 acres. The property owner has proposed subdividing the lot into one 10-acre lot and one approximately 30-acre lot being the remainder of the overall property. The proposed subdivision meets the requirements of the AG zoning district and therefore will not require a rezone unless the applicant desires to reduce the proposed 10-acre lot to be less than the minimum acreage required.

The property is located in the Urban Reserve future land use map (FLUM) category. This category encourages urban developments adjacent to City limits and does not permit properties to rezone into the AG or Rural Residential (RR) zoning districts. In the event the 30-acre parcel is to be developed, the developer should be aware of this requirement. Annexation may be discussed prior to the approval of any further subdivision or rezone request.

The property is located within the City of Dickinson's Extra-Territorial Zone (ETZ). The property owner shall reach out to Stark County Weed Control Officer Travis Jepson prior to the submittal of any application to ensure an inspection can be conducted prior to approval.

According to the applicant, no additional development is taking place on the resulting lots. If the 30-acre lot is ever further subdivided, the applicant will be required to provide Will Serve letters from all utilities and service providers; i.e. US Postal Service, electric, natural gas, communications, Southwest Water Authority, etc. Additionally, if the 30-acre lot is further subdivided, the dedication of right-of-way along 29th Street East may be required, and the developer may be required to annex into the City of Dickinson.

Engineering:

- Floodplain: The northeast portion of the proposed subdivision within W90' X S127.4' of Lot 3 of Block 5 of the Hilliard & Manning 3rd Addition is in the FEMA Zone AE, as per FIRM Panel Number 38089C-0192F. The applicant shall include the location of the floodplain on the proposed subdivision plat as a drainage easement.
- Streets: The applicant shall dedicate 40 feet of right-of-way along 4th Avenue East and 50 feet of right-of-way along 10th Avenue East. Access from the approximate 30-acre

parcel onto either 4th Avenue East or 29th Street East would be decided at the time of either a building permit submittal or if the property is ever further subdivided.

- **Traffic:** No additional development is being proposed at this time. This subdivision will not require a traffic study. A traffic impact study will likely be required at the time of future development of the proposed 30-acre lot.
- **Water:** The property is currently serviced by Southwest Water. The property owner shall include an exhibit with any subdivision application indicating the location of Southwest Water infrastructure to ensure no utility easements will be required.
- **Sanitary Sewer:** The property is currently serviced by an existing septic system. The property owner shall include an exhibit with any subdivision application indicating the location of the existing septic system to ensure it is entirely contained within one proposed lot. Additionally, the property owner shall include a utility easement following the existing sanitary sewer main's location through the property if one is not already filed at the Stark County Courthouse.
- **Storm Sewer:** The applicant shall include a drainage easement along the portion of the property located within the floodplain. A stormwater plan will be required if the proposed 30-acre parcel further develops.

Assessing:

No comments.

Fire Department: The property is located in the City of Dickinson's Extra-Territorial Zone (ETZ). Fire service is provided by the Dickinson Rural Fire Department in the ETZ. The property owner shall verify with Rural Fire Chief Jeff Thompson that the property can be serviced.

Parks & Recreation: Park land dedication will not be required of the applicant at this time. However, if the 30-acre parcel is further subdivided and developed in the future, the applicant developing the property can expect to be required to pursue parkland dedication or payment-in-lieu.

Public Works:

No comments.

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

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

Planning: 701.456.7812 / natalie.birchak@dickinsongov.com

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

Sincerely,



Natalie Birchak
City Planner



Joshua M. Skluzacek
Engineering and Community Development
Director

City GIS maps:

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

Municipal codes directory:

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

Upcoming Planning & Zoning / City Commission meetings:

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

Applications Portal:

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

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

Appendices:

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

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

Required Documentation:

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

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

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

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

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