



BOARD OF ADJUSTMENT MEETING AGENDA

Monday, March 11, 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.](#) Meeting Minutes

2. REGULAR AGENDA:

[A.](#) 640 12th Street West

3. OTHER BUSINESS

4. ADJOURNMENT

Link for viewing Board of Adjustment Meeting:

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

This link will not be live until approximately 7:30 am on March 11, 2024

Teams Meeting: <http://tinyurl.com/BOA-03-11-2024-Teams>

Teams Meeting ID: 295 610 920 520 **Meeting Passcode:** 8PFqTr

Teams Phone #: 1-701-506-0320 **Phone Conference ID:** 341 060 021#

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

Commissioners:

Chairman: Larry Bares

Vice Chairman: Pat Bren

Troy Bosch

Trevor Ernst

Bruce Burke

Shawn Soehren

CALL TO ORDER

Introduction of New Board Member- Troy Bosch

Building Official Leonard Schwindt introduced the new board member, Troy Bosch. Mr. Schwindt asked Troy Bosch to state a few words about himself and what other boards he is part of. Board Member Troy Bosch stated he is a native of Dickinson, and he has been back living here for over twenty years. Mr. Bosch stated he is part of the Planning and zoning board. He also is part of the Dickinson Hockey Club and Dickinson Youth Activities club.

ROLL CALL

OPENING CEREMONIES:

Pledge of Allegiance

1. STANDARD MOTIONS

A. Meeting Minutes

Chairman Larry Bares asks if there is any change in the minutes. Board member Pat Bren motioned to approve the meeting minutes of October.

Motion made by Pat Bren, Seconded by Shawn Soehren.

Voting Yea: Larry Bares, Trevor Ernst, Pat Bren, Shawn Soehren Soehren

Voting Abstaining: Troy Bosch

2. REGULAR AGENDA:

A. Reduce the required 5-foot sign setback on a CC zoned lot by 1-foot on the North and West property line.

Chairman Larry Bares asks if there is anyone in the audience to represent this property. There is nobody in the audience to speak. Building Official Leonard Schwindt states that this property is the previous Perkins Building. There is an existing sign on the Northwest side of the property. The existing setbacks do not meet the current setback guidelines. They are within the foot of the required setback. Mr. Bares asks if this interferes with the sidewalk and Mr. Schwindt states this is on the highway side, the Northwest corner of the property. Board Member Shawn Soehren asks if they are removing the sign and Mr. Schwindt states, they are not removing the sign. Every time you attach a new sign to an existing pole you have to meet the current standards. Mr. Soehren clarifies that they are going down to four foot setback and not a one foot setback. Mr. Schwindt states it is a four foot setback. There have no been no comments called in to be for or against this property. Board Member Troy Bosch motioned to approve this variance request.

Motion made by Troy Bosch, Seconded by Trevor Ernst.

Voting Yea: Larry Bares, Trevor Ernst, Pat Bren, Shawn Soehren, Troy Bosch

3. OTHER BUSINESS

A. Vote for Chair and Vice-Chair of Board of Adjustment

Chairman Larry Bares asks for nominations for the Vice Chair of the Board of Adjustments. Board member Shawn Soehren nominated Board Member Trevor Ernst.

Motion made by Shawn Soehren, Seconded by Troy Bosch.

Voting Yea: Larry Bares, Trevor Ernst, Pat Bren, Shawn Soehren, Troy Bosch

Chairman Larry Bares asks for nominations for Chair of the Board of adjustments. Board member Pat Bren nominated Board member Shawn Soehren as Chair.

Motion made by Pat Bren, Seconded by Trevor Ernst.

Voting Yea: Larry Bares, Trevor Ernst, Pat Bren, Shawn Soehren, Troy Bosch

B. Resignation of Larry Bares

Building Official Leonard Schwindt would like to thank Chairman Larry Bares on the behalf of the City of Dickinson for the decades of service to the City of Dickinson.

4. ADJOURNMENT

Motion made by Troy Bosch, Seconded by Shawn Soehren.

Link for viewing Board of Adjustment Meeting and Packet:
<https://www.dickinsongov.com/meetings>

To Join meeting via TEAMS:

Teams Meeting: <https://tinyurl.com/BOA-12-11-2023-Teams>

Meeting ID: 240 390 055 611

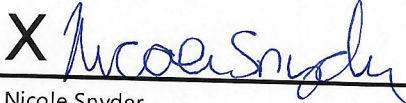
Meeting Passcode: xN2axz

Teams Phone #: +1 701-506-0320

Phone Conference ID: 157 075 922#

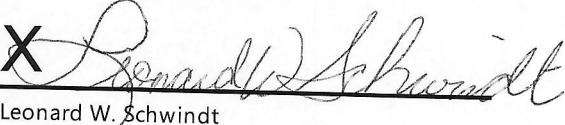
Local Phone #: 701-456-7006

Prepared By:

X 

Nicole Snyder

Approved By:

X 

Leonard W. Schwindt



STAFF REPORT

To: Board of Adjustment
From: City of Dickinson Development Team
Date: {3/11/2024}
Re: **Setback Adjustment Variance**

OWNER/APPLICANT

Applicant
 Jared Meduna
 67 21st Street E
 Dickinson, ND 58601

Public Hearings: {3/11/2024}

Board of Adjustment

REQUEST

- A. Request:** To reduce the required 5ft sign setback on a CC zoned lot by 3ft. (5ft to 2ft)
- B. Project Address/Legal Description/Area:** 640 12th Street W – E154.2' W479' S216' Lot 1 less Road Easement (E30')
- C. Project Description:** Existing Sign Remodel

STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses:** Municipal Code Section 39.10.10 – Basic Design Elements for On-Premises Signs – D. Pole Signs & Pylon Signs (b) Setback: All pole signs and pylon signs shall be set back a minimum of five (5) feet from the property line and/or right of way line and not within the vision clearance area.
- B. Public Input:** No Public comment at the time of this report
- C. Staff Recommendation:** Approval of this request keeps the non-conforming sign the same as its current status. Signs adjacent to this property also have non-conforming signs. Approval shall be on the current sign proposal. Future sign replacement shall meet all current code requirements.

Zoning	CC
FUTURE LAND USE MAP DESIGNATION	CC
GROSS SITE ACREAGE	.764

Table I: Current Zoning and Use

Table II: Current Adjacent Land Use/Zoning

Direction	Zoning	Land Use
North	CC	Commercial
East	CC	Commercial
South	CC	Commercial
West	CC	Commercial

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

*“I move the City of Dickinson Board of Adjustment recommend Approval of the **setback adjustment variance**, 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. Variance is for current sign only. Any Future sign will require meeting all code standards.
2. _____.

*****Denial*****

*“I move the Dickinson Board of Adjustment recommend Denial of the **setback adjustment variance** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare. “*

ATTACHMENT A – APPLICATION MATERIALS





Owner's Affidavit

I, Mark Keithley, upon being duly sworn, hereby swear and affirm that I am the owner of the property identified herein and hereby provide my consent to the placement of the off-premises sign described herein upon the property.

Owners Signature: Mark Keithley

Printed Name: Mark Keithley Date: 2-28-24

STATE OF North Dakota)
COUNTY OF Stark) ss

On this 28 day of February, in the year 2024,

before me personally appeared Mark Keithley, known to me to be the person that is described herein and who executed the within and foregoing instrument and acknowledged to me that he or she executed the same.

Jordan M Kessel
Notary Public
County of Stark
State of North Dakota

Notary Stamp



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 Final Final Real Estate
 Phone Number 701-483-6967 Email _____
 Address 640 12th St W Dickinson ND 58601
Street City State Zip

Property Owner Signature _____ Date _____
 (All Applications must be signed by the property owner or the application will not be processed)

Applicant Name DRS Enterprises LLC
 Contact Name Jared Meduna
 Phone Number 701-483-1600 Email jared@sarnodat.com
 Address 67 21st St E Dickinson ND 58601
Street City State Zip
 Applicant/Permittee Signature _____ Date 2-1-24

*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: 640 12th St W Dickinson ND 58601

Zoning District: CC Adjacent zoning: N CC E CC S CC W CC
 Existing use: Bar Motel Adjacent use: N Office space E Retail S _____
 W motel

General Description of Request: purpose statement attached Site Plan attached
reuse existing sign structure to install new sign

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

Zoning Code Sections Relevant to this Request
setback of sign from property line

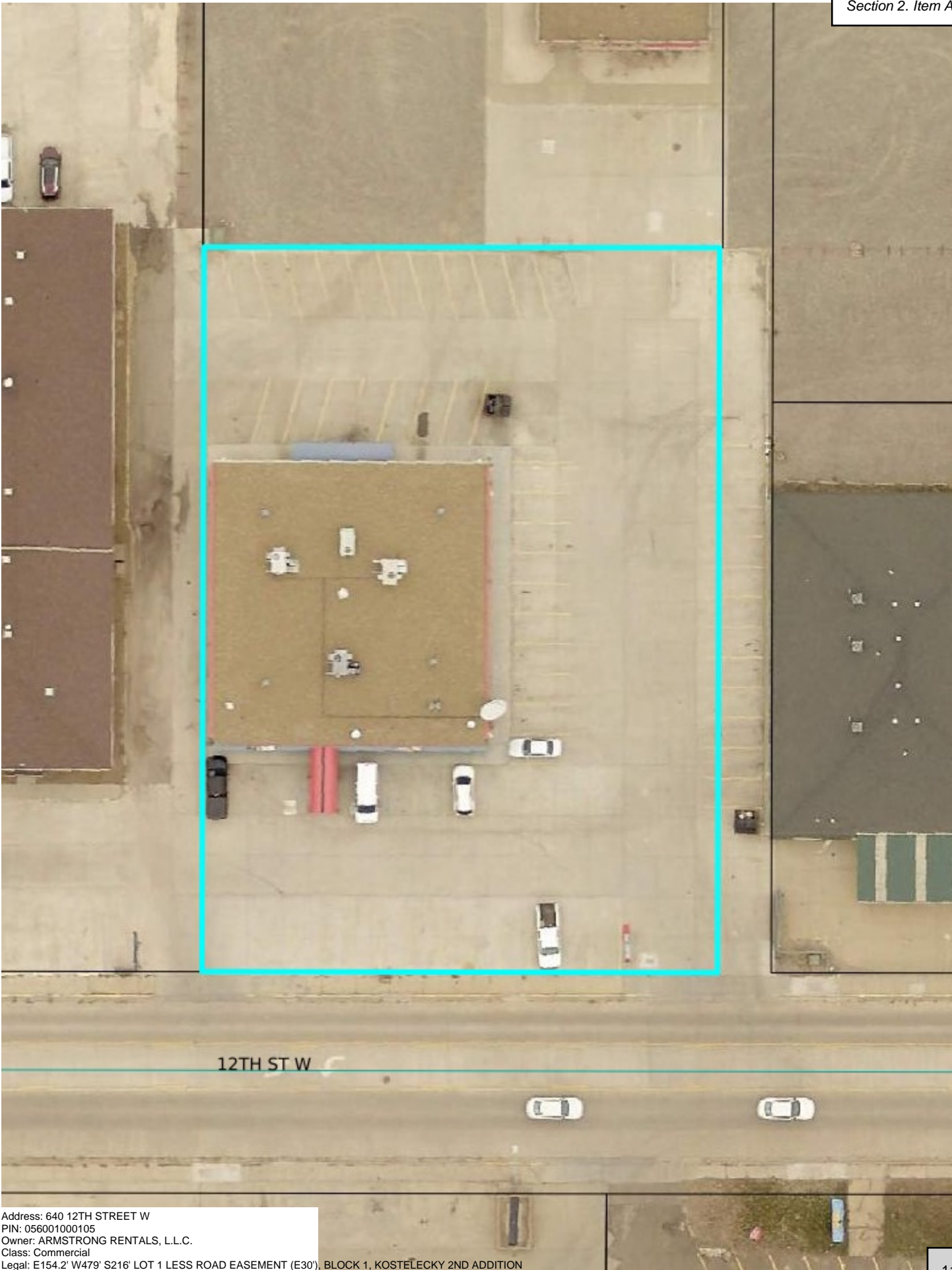
Have any previous applications or appeals been filed in connection with this property? No Yes Date: _____

Office Use Only

Proposed Request to be filled out by Building Department:

Date of BOA Meeting: _____ Required Fee: \$150.00

Paid by: Cash Credit/Debit Check # _____ Receipt # _____



Address: 640 12TH STREET W
PIN: 056001000105
Owner: ARMSTRONG RENTALS, L.L.C.
Class: Commercial
Legal: E154.2' W479' S216' LOT 1 LESS ROAD EASEMENT (E30), BLOCK 1, KOSTELECKY 2ND ADDITION



Final Final Variance Application

Letter of hardship

The sign is currently 2 ft from the property line. To move the sign 3 ft over to meet minimum 5ft setback, would require a substantial investment financially (approx. \$23,000 in total) The new sign cabinet is \$18,000. The parking lot would need to be torn up for new footing (approx. \$5500 which would include repairing the concrete where the existing sign is located), new steel support structure (approx. \$14000 which would include stamped engineered drawings and stamped land survey) would need to be fabricated and installed. There would also be the labor to remove and dispose of the structure (approx. \$3500). The new sign structure would also take up more of the parking lot.

Jared Meduna

Signarama/DRS

67 21st St E

Dickinson, ND 58601

(701)483-1600

M(701)264-9341

