



BOARD OF ADJUSTMENT MEETING AGENDA

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

ROLL CALL

OPENING CEREMONIES:

Pledge of Allegiance

1. STANDARD MOTIONS

A. Meeting Minutes

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.

3. OTHER BUSINESS

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

B. Resignation of Larry Bares

4. ADJOURNMENT

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



BOARD OF ADJUSTMENT MEETING MINUTES

Monday, October 09, 2023 at 7:30 AM
City Hall – 38 1st Street West Dickinson, ND 58601

Commissioners:

Chairman: Larry Bares
Vice Chairman: Pat Bren
Trevor Ernst
Bruce Burke
Shawn Soehren

CALL TO ORDER

ROLL CALL

OPENING CEREMONIES:

1. STANDARD MOTIONS

- A. September 11, 2023 Final Meeting Minutes submitted for approval.

Motion made by Bren, Seconded by Burke.

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

2. REGULAR AGENDA:

- A. 1575 37th Street E

A. Request to exceed the maximum square footage of a detached structure on an RR (rural residential) lot by 1800 square feet. This property is located at 1575 37th street East- Dickinson, ND.

Alfredo Herreman, the owner of 1575 37th Street East, did not show up to speak on his property. Jared Robinson from the audience spoke on this property. Mr. Robinson lives direct west of Mr. Herreman, he does not agree with this shop being built. Mr. Robinson stated that he has more concerns after looking at the blue prints. He stated that his concern is not only for him, but also his surrounding neighbors. They have called the sheriff on this property more than once for it being loud and noisy. He stated that this shop seems like its going to be built for way more reasons than just a garage for his daughter and storage. Mr. Robinson is wondering where the drainage for the

bathrooms will go since there will be two bathrooms in this shop. Mr. Robinson stated there is already a building on the property, that is the size of a garage. Mr. Robinson stated that in the meeting minutes in the prior Board of Adjustment meeting, it states that the lot Mr. Herreman bought, had 30-35 feet taken away but the lots were both for sale as is. One lot being 125 feet by 593 feet and the other lot 93 feet by 593 feet. These lots were surveyed in 2016. He stated that you should be able to purchase what you want but this will affect the surrounding neighbors. If later Mr. Herreman decides he does not want the toys he is storing in the shop, the shop will still be there. Mr. Robinson stated if they garage is in the parameters per code, than it should be allowed but if not he does not agree. Board Member Pat Bren asked Mr. Robinson if there is a rode behind the trees to have access to the the back yard. Mr. Robinson stated that it is a low maintenance gravel road. He says during the Winter he cannot access it. Daniel Folmer from the audience lives on the east side of Mr. Herreman. Mr. Folmer stated he thinks Mr. Herreman knew what he was buying. As soon as Mr. Herreman moved in he was asking the surrounding neighbors to sell part of their land to him. Chairman Larry Bares asks if there are any questions in the audience or over the phone.

Motion made to deny the variance by Pat Bren, seconded by Bruce Burke.

Voting Nay: Larry Bares, Trevor Ernst, Pat Bren, Bruce Burke, Shawn Soehren

B. 220 WEST BROADWAY STREET

- 1. To consider a variance request to reduce the west side yard setback on a GI zoned lot from the required 10 ft to a 6 ft setback
- 2. To request a variance request to reduce the rear yard setback on a GI zoned lot from the required 20ft to a 0 ft setback.

Aaron Grinsteinner from Venture Commercial is speaking on this property. Mr. Grinsteinner stated that he just wants to reduce existing setbacks. He stated that this property use to be the former Dickinson Public Schools bus barn. He is just wanting to replat the existing properties so they can sell off the combination of the buildings. Two of the existing structures are in violation of the required setbacks for the general industrial zoning district. Board Member Trevor Ernst clarifies that they are just replotting but not doing expansions. Mr. Grinsteinner states that he is correct, they plan to sell some property off to consolidated, they are adjacent to this property. Their

plan is to just keep them as is. Building Official Leonard Schwindt states these are existing buildings, and by replotting they would follow the current code. Mr. Schwindt states that if they were to rebuild, the buildings would need to be up to code as well. Mr. Grinsteinner stated that as a developer, he would acknowledge that. Mr. Ernst asked Mr. Schwindt that with the buildings encroaching on the railroad setbacks, is this going to be an issue for the city? Mr. Schwindt stated that these are existing buildings and they are not going to be taken down. The buildings serviced the railroad, so in a way they are trying to clean up the area. Chairman Larry Bares asks if there is anyone that is for or against this variance.

Motion to approve the variance made by Trevor Ernst, Seconded by Pat Bren.

Voting Yea: Larry Bares, Trevor Ernst, Pat Bren, Bruce Burke, Shawn Soehren
Aaron Grinsteinner is also here to speak on the second request to reduce the rear yard setback from 20 feet to a 0 ft setback on the 220 West Broadway. Mr. Grinsteinner states that the property line is part of there proposed replat we need to obtain a variance. Mr. Chairman asks if anyone has any questions.

Motion to approve the variance made by Bruce Burke, seconded by Trevor Ernst.

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

C. 300 WEST BRAODWAY STREET

A. To consider a variance request to reduce the east side yard setback on a GI zoned lot from the required 10 ft to a 0 ft setback.

Aaron Grinsteinner is here with Venture commercial to speak on this property. Mr. Grinsteinner states that this request is similar to the other property. He states that the current property line is part of the proposed replat they need to obtain a variance. In the PowerPoint you can see the building is right on the property line. Building Official Leonard Schwindt stated he only received one phone call from an individual wondering what they were doing.

Motion made to approve the variance by Trevor Ernst, seconded by Bruce Burke.

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

3. OTHER BUSINESS

4. ADJOURNMENT

Link for viewing Board of Adjustment Meeting:

This link will not be live until approximately 4:20 p.m. on October 9, 2023.

Meeting Packet: <https://tinyurl.com/BOA-10-09-2023-Packet>

Stream Link: <https://tinyurl.com/BOA-10-09-2023-Stream>

Teams Meeting: <https://tinyurl.com/BOA-10-09-2023-Teams>

Meeting ID: 218 469 274 211

Meeting Passcode: xRkEir


Teams Phone #: 1-701-506-0320

Phone Conference ID: 933 399 623#

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.

Prepared By:

X 

Nicole Snyder

Approved By:

X 

Leonard W. Schwindt



Staff Report

To: Board of Adjustment
From: City of Dickinson Development Team
Date: December 11, 2023
Re: Setback Adjustment Variance

OWNER/APPLICANT

Applicant
 Jared Meduna (DRS Enterprises LLC)
 67 21st St E
 Dickinson, ND 58601

Public Hearings: {12/11/2023}

Board of Adjustment

REQUEST

- A. Request:** To reduce the required 5ft. sign setback on a CC zoned lot by 1ft. on the North & West property line.
- B. Project Address/Legal Description/Area:** 188 W Museum Drive/1.43 Acres Block 1, Interstate Addition.
- C. Project Description:** replace unused existing signs with new sign fixtures.

STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses: Section 39.10.40 – Basic Design Elements for On-Premises Signs – D. Pole Signs and 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 comments at the time of this report.**
- C. Staff Comments:**

Table I: Current Zoning and Use

ZONING	CC
FUTURE LAND USE MAP DESIGNATION	CC
GROSS SITE ACREAGE	1.43

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 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:



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 Dickinson Reklit Management
 Phone Number _____ Email _____
 Address 30200 telegraph Rd suite 205, Bingham Farms, MI 48025
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 Jared Medlun (DRS Enterprises LLC)
 Contact Name Jared Medlun
 Phone Number 701-483-1600 Email jared@sarnodat.com
 Address 67 21st St E Dickinson ND 58601
Street City State Zip

Applicant/Permittee Signature [Signature] Date 9-18-23

*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: 188 W museum drive

Zoning District: CC Adjacent zoning: N CC E CC S CC W CC

Existing use: Restaurant motel Adjacent use: N law enforcement center E law enforcement center S Bar

General Description of Request: purpose statement attached Site Plan attached

Reuse existing high rise sign along with small sign by museum drive

Describe how the hardship is not shared generally by other properties in the same zoning district and in the same vicinity:
All adjacent properties have opportunity to have interstate sign

Zoning Code Sections Relevant to this Request:
1 sign per location

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 # _____

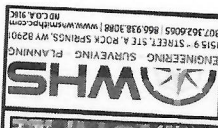


Table with columns: NO., DATE, DESCRIPTION, DRAWN BY, CHECKED BY, APPROVED BY.



PROPERTY ADDRESS: 180 WALLACE DRIVE, C. COMMUNITY COMMERCIAL, 4.00 AC.

TABLE 'W' ITEMS: THE FOLLOWING LIST CORRESPONDS TO THE OPTIONAL TABLE LISTED REQUESTED BY THE CLIENT...

1. MONUMENTS FOR NEAREST AS SHOWN HEREON. 2. ADJUSTMENTS FOR ADJACENT RECORDS. 3. EIGHT (8) 'X' MARKS TO BE SET AT THE CORNERS OF THE PLAT...

NOTES: 1. THIS SURVEY IS A RECONSTRUCTION OF THE SURVEY SHOWN ON THE LOTS OF RECORD. 2. THE SURVEY IS A RECONSTRUCTION OF THE SURVEY SHOWN ON THE LOTS OF RECORD...

SURVEYOR'S CERTIFICATE: I, THE SURVEYOR, HAVE BEEN DULY SWORN AND QUALIFIED BY THE STATE OF ILLINOIS TO PERFORM SURVEYING...

DATE OF PLAT: 11/26/23. SURVEYOR: [Signature]

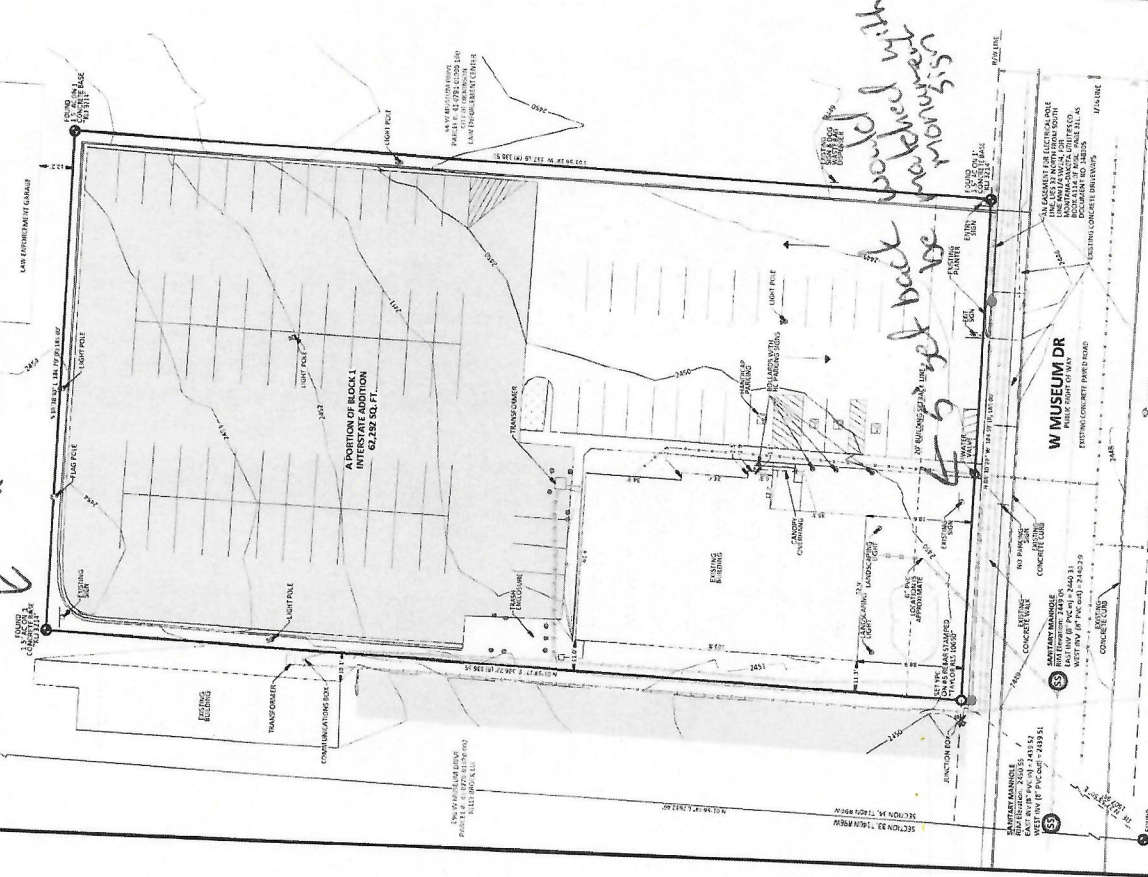
RECORD PROPERTY DESCRIPTION: A PORTION OF BLOCK 1 INTERSTATE ADDITION TO THE CITY OF DICKINSON, STATE COUNTY ADMIN...

Plat of the Survey, LLC Commission, Schedule B, Part II Exemptions: EXEMPTION 1: RIGHTS OF WAY OR RIGHTS OF EASEMENT NOT SHOWN ON THE PUBLIC RECORDS...

EXEMPTION 2: RIGHTS OF WAY OR RIGHTS OF EASEMENT NOT SHOWN ON THE PUBLIC RECORDS. EXEMPTION 3: RIGHTS OF WAY OR RIGHTS OF EASEMENT NOT SHOWN ON THE PUBLIC RECORDS...

EXEMPTION 4: RIGHTS OF WAY OR RIGHTS OF EASEMENT NOT SHOWN ON THE PUBLIC RECORDS. EXEMPTION 5: RIGHTS OF WAY OR RIGHTS OF EASEMENT NOT SHOWN ON THE PUBLIC RECORDS...

ABBREVIATIONS: L=LOW VOLTAGE, W=WATER, C=CONCRETE, S=SEWER, etc.



NEIGHBORING PROPERTIES: 180 WALLACE DRIVE, 182 WALLACE DRIVE, 184 WALLACE DRIVE.

ADJACENT RECORDS: 180 WALLACE DRIVE, 182 WALLACE DRIVE, 184 WALLACE DRIVE.

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