



BOARD OF ADJUSTMENT MEETING AGENDA

Monday, September 09, 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. AUGUST 2024 MEETING MINUTES

2. REGULAR AGENDA:

A. 1420 3RD AVENUE EAST

-To consider a variance Request to reduce the required rear yard setback of 20 feet on an R1 zoned lot to 12 feet

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 MT, September 9, 2024.

Teams Meeting: <https://tinyurl.com/BOA-09-09-2024-Teams>

Teams Meeting ID: 251 245 886 816

Meeting Passcode: dfrdAZ

Teams Phone #: 1-701-506-0320

Phone Conference ID: 947 089 970#

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, August 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. MEETING MINUTES 7-8-2024

A. MEETING MINUTES

Motion made by Bruce Burke, Seconded by Trevor Ernst.

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

2. REGULAR AGENDA:

A. 1420 3RD AVENUE EAST

-To consider a variance Request to reduce the required rear yard setback of 20 feet on an R1 zoned lot to 12 feet.

There was no one in the audience to speak on this property. Building Inspector Blaine Dukart stated that in the past the rear yard setback is a 20 foot minimum. Engineer Community Development Director Joshua Skluzacek stated that the applicant did come in for a pre-application meeting wanting to add onto his house, he was already not in compliance if he added onto the house. He told him that he could subdivide the lots, since he owns more than one of the lots behind his house. Chairman Shawn Soehren stated that normally we would table this agenda if the applicant was not present. Board Member Bruce Burke motioned to table this property. Board Member Pat Bren seconded motion to table this agenda.

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

B. 972 DELL AVENUE

-To consider a variance to allow parking within the front yard setback (outside of the permitted driveway) which is not allowed per City of Dickinson Municipal Code. Phillip and Page Worley are in the audience to discuss their property at 972 Dell Avenue. In 2021, the City came and put in a curb/gutter and approach, which caused a little water run off into the road. Around this time, Mr. Worley explained they were looking at pouring their patio, because the approach was put in he poured the concrete in the front. He talked to Al Schoch, owner of Schoch Construction asked him if he needed a permit to pour the concrete in the front Mr. Schoch said they did not need a permit, shortly after the concrete was poured, they found out the concrete was not allowed. Mrs. Worley stated that they have parked in that spot for the last 9 years, the people before even parked there. After the approach was put in, she assumed they could pour the concrete. Chairman Shawn Soehren asked Mr. Dukart if the City did put in the approach. Mr. Dukart stated that in 2021 they were doing work over in that area of town but there was no directive to put in an approach at this property. Chairman Soehren stated that this would be a second driveway on your property and typically there is only one driveway per property. Mr. Skluzacek stated that there is really no where that states that you cannot have two driveways, but if you add up the widths it will exceed what is allowable. We try to work with the individuals to reduce the multiple driveways. Mr. Soehren asked if they left the gravel as it would have been fine or since they poured the concrete did that draw more attention? Mr. Dukart stated that the concrete made it more noticeable. A little over two years ago is when we implemented the parking pad permits so people were not just making a driveway where ever. There are exceptions for two driveways if you are on a corner lot, depending on the size. A parking pad permit is designed to park on the side of the garage, not in the front yard setback. If the parking pad was allowed at this property, it would have had to be poured all the way to the back. Unfortunately, in this case, there probably is no room on either side of the house for a vehicle to be parked. The landscape requirement is the first fifteen feet which is required landscape and than after that should be organic. Mr. Ernst stated that he thinks having to pull the permit would have eliminated this.

Krista Bryan, member from the audience and a neighbor. Mrs. Bryan lives at 1070 Den Avenue stated that the curb approach is very misleading and it is a common occurrence that people are parking in those areas. Mr. Al Schoch, from the audience, stated he did not know he needed a permit to pour this concrete. He does not know how the approach was put in by the City. There has to be a reason that curb approach was put in. Mr. Worley does not have enough room to put another vehicle. The City needs to look at how you can add off street parking for cleaning streets, if people have somewhere else to park, it would save a lot. Mr. Ernst asked how did the city get to look at where the pavers were put in. Mrs. Worley stated that they got a letter after the inspector came to look at the concrete. Mr. Dukart stated that the pavers are not allowed in that right of way. Mrs. Worley stated that she was told by an inspector that sent them the letter. Chairman Soehren stated that this is not really an issue with concrete as it is with them parking there. Mr. Dukart agreed and stated which is 35 percent of the first 15 feet. The main problem is it is poured in the right of way. Mr. Soehren stated but we are granting them the variance to park within the front yard, is what the question is about. This is not really about the concrete, but they are not allowed to park there but they poured the concrete where they cannot park. Mr. Dukart agreed and stated that we would be setting a precedent for them to be parking in front yard setback. There are many letters that go out all the time from code enforcement. Mr. Soehren asked Attorney Wenko if this is denied, do they have the right to go to the City Commission. Attorney Wenko stated that she believes they could. Board Member Bruce Burke stated that there was no permit and it could have stopped all of this. He understands how misleading the curb approach being put in but we would be setting a precedence if we allow this. Mr. Bren motioned to Deny this variance. Mr. Ernst Seconded this motion.

Motion made by Pat Bren, Seconded by Trevor Ernst.

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

3. OTHER BUSINESS

4. ADJOURNMENT

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

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

Teams Meeting: <https://tinyurl.com/BOA-08-12-2024-Teams>

Teams Meeting ID: 240 095 039 641 **Meeting Passcode:** zAVmJt

Teams Phone #: 1-701-506-0320

Phone Conference ID: 240 095 039 641

Section 1. Item A.

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 

Blaine Dukart



Staff Report

To: Board of Adjustment
From: City of Dickinson Development Team
Date: {8/12/2024}
Re: **Setback Variance**

Owner/APPLICANT

Applicant
Raymond Veverka
1420 3rd Avenue East
Dickinson, ND 58601

Public Hearings: {8/12/2024} Board of Adjustment

REQUEST

- A. Request:** To reduce the required 20ft rear yard setback on a R1 zoned lot to a 12ft setback.
- B. Project Address/Legal Description/Area:** 1420 3rd Ave E/Lots 1 & 2 Block 5, Hewson’s 2nd
- C. Project Description:** Build an addition onto Main Level Living Room

STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses:** Rear yard setback has historically been required to be a minimum of 20ft.
- B. Compliance with Zoning and Subdivision Regulations:** Structure will require proper permitting to meet Code Requirements.
- C. Public Input:** No Public comment at the time of this report.
- D. Staff Recommendation:** Rear yard setback for a R1 zoned lot is 20ft for single family detached structures.

Table I: Current Zoning and Use

ZONING	R1
FUTURE LAND USE MAP DESIGNATION	R1
GROSS SITE ACREAGE	.356 Acres

Table II: Current Adjacent Land Use/Zoning

Direction	Zoning	Land Use
North	R1	Residential
East	R1	Residential
South	R1	Residential
West	R1	Residential

Attachments:

- Provided in packet

MOTIONS:

*****Approval*****

*“I move the City of Dickinson Board of Adjustment recommend Approval of (**Setback 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):

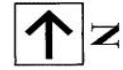
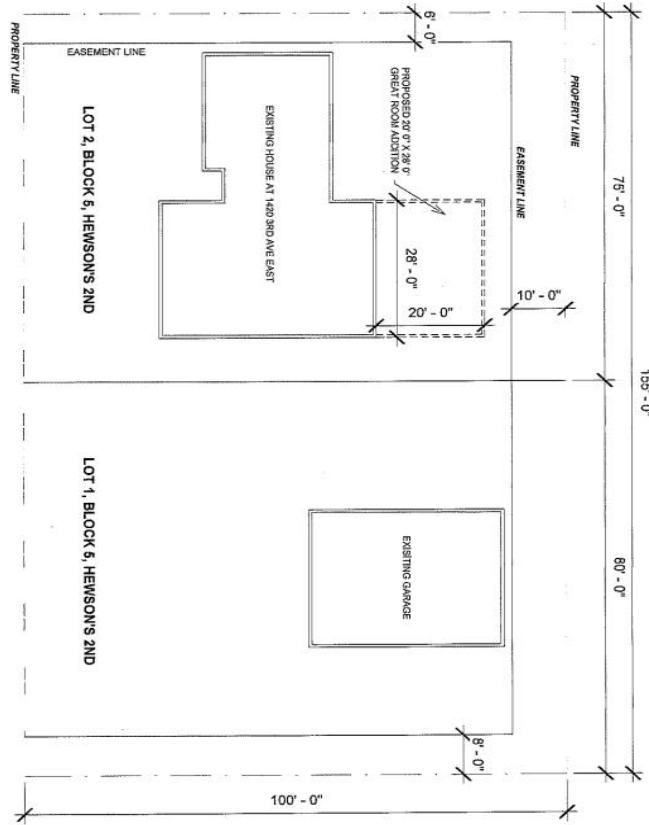
1. _____;
2. _____.

*****Denial*****

*“I move the Dickinson Board of Adjustment recommend Denial of (**Setback Variance**) 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.”*

**ATTACHMENT A –
 APPLICATION MATERIALS**

1 Site Plan
 1" = 20'-0"



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 Raymond P Veverka
 Phone Number 701-260-7560 Email raymond.veverka5@gmail.com
 Address 1420-3rd Ave E Dickinson, ND 58601
Street City State Zip
 Property Owner Signature Raymond P Veverka Date 6/27/24

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

Applicant Name Raymond P Veverka
 Contact Name Raymond
 Phone Number 701-260-7560 Email raymond.veverka5@gmail.com
 Address 1420-3rd Ave E Dickinson, ND 58601
Street City State Zip
 Applicant/Permittee Signature Raymond P Veverka Date 6/27/24

*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: 1420-3rd Ave E Dickinson, ND 58601
lots 1-5 - Block 5 Harmon Addition / lot 19 Block 1 4th Addition
 Zoning District: RE Adjacent zoning: N RI E RI S RI W RI
 Existing use: Residential Adjacent use: N R E R
R W R

General Description of Request: purpose statement attached Site Plan attached

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: 20ft backyard set back looking for a 8' variance

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

Office Use Only

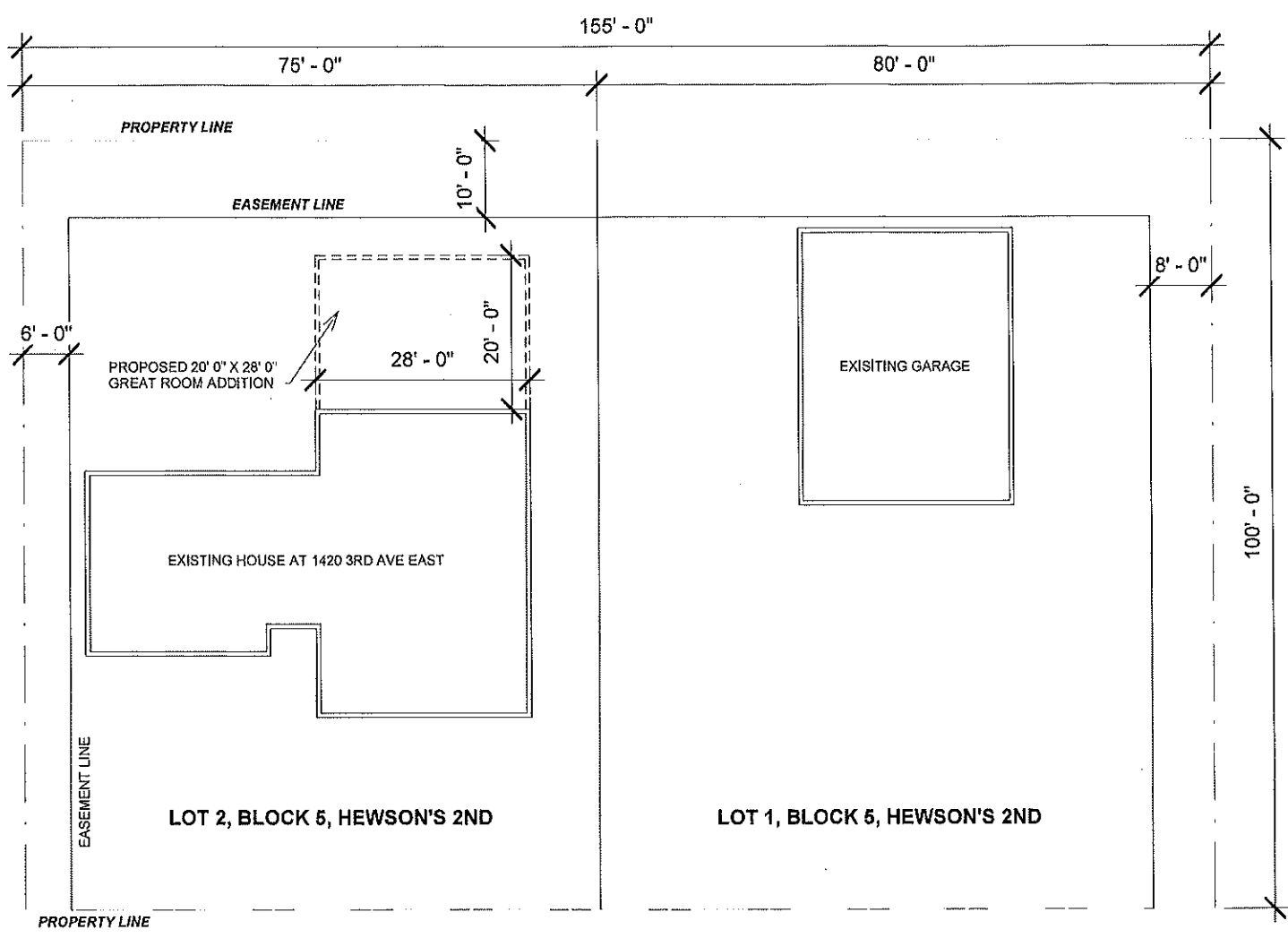
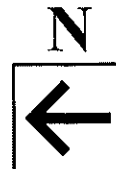
Proposed Request to be filled out by Building Department:

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

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

Hardship I would like to add an addition to our current existing house of of 20x28 feet, but do not have the necessary room from the back of the lot for the current set back code. Since I own the adjoining lot to the east, I'm asking for a variance to come into the 20ft setback. We would still be off the utility easement with this addition. There are other options to consider, but this seems to be the most cost effective. As far as concerning the neighbors welfare, I see no problem because if anything it would raise the value when doing comparables for future sales. If I cannot get this variance approved the next option is probably to sell the property. Unfortunately this is the last option as we have lived in this property for the last 28 years and have contributed a lot of time into planting trees,shrubs and landscaping, not to mention adding the garage, lawn shed etc. So in general that's why I am applying for a variance permit.

Ray Veverka



① Site Plan
1" = 20'-0"

579 DRAFTING & DESIGN
 579draftingdesign@gmail.com Phone: (701)-290-7343

RAY & SUZAN VEVERKA
GREAT ROOM ADDITION

THE CLIENT AND GENERAL CONTRACTOR UNDERSTAND THAT ALL APPROPRIATE BUILDING CODES AND REGULATIONS MUST BE FOLLOWED IN THE CONSTRUCTION OF THIS BUILDING TO ENSURE STRUCTURAL INTEGRITY AND THE SAFETY OF ALL CONTRACTORS AND CLIENTS.

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PROPOSED PROJECT SITE		
Project Number	24015	C1
Date	5/29/2024	
Drawn by	AJF	
		Scale 1" = 20'-0"