



BOARD OF ADJUSTMENT MEETING AGENDA

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 CREMONIES

PLEDGE OF ALLEGIANCE

1. MEETING MINUTES 7-8-2024

A. 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.

B. 972 DELL AVENUE

-To consider a variance to allow parking within the front yard setback (outside of the permitted driveway) which is not allowable per City of Dickinson Municipal Code.

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, 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

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, July 08, 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

Chairman Shawn Soehren asked if there are any questions on the minutes.

Motion made by Bren, Seconded by Burke.

2. REGULAR AGENDA:

A. 446 W 18TH STREET

Chairman Shawn Soehren asked if there is anyone to speak on this property. The applicant was not there to to speak on the property.

Building Inspector Blaine Dukart stated the west side property requires a 10 foot setback, the property owners are requesting a variance to reduce it to 0 foot setback.

The neighboring properties have no concerns and neither does The City. Mr. Soehren asked if there is still some distance between the property line and the street. Mr.

Dukart stated that there is well over 10 feet to the sidewalk.

Motion made to approve the variance to a 0 foot setback by Bruce Burke, Seconded by Pat Bren.

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

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, July 8, 2024.

Teams Meeting: <https://tinyurl.com/BOA-07-08-2024-Teams>

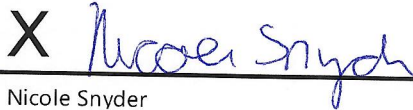
Teams Meeting ID: 216 102 841 837 **Meeting Passcode:** yZSbeS

Teams Phone #: 1-701-506-0320 **Phone Conference ID:** 860 967 975#

Local Phone #: 701-456-7006

Persons desiring to attend the meeting who require special accommodations are asked to contact City Administrator by the Friday preceding the meeting.

Prepared By:

X 

Nicole Snyder

Approve 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):

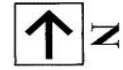
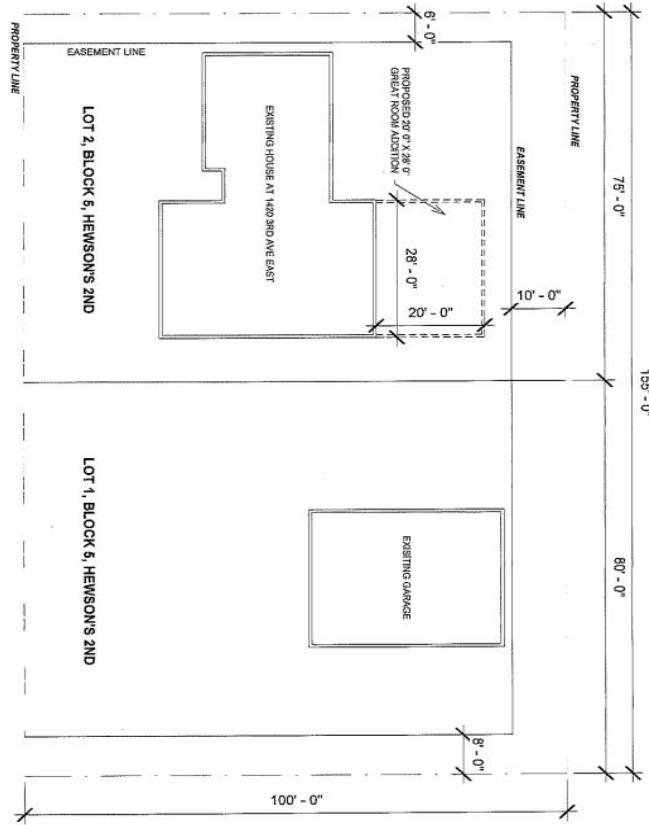
1. _____;
2. _____.

*****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

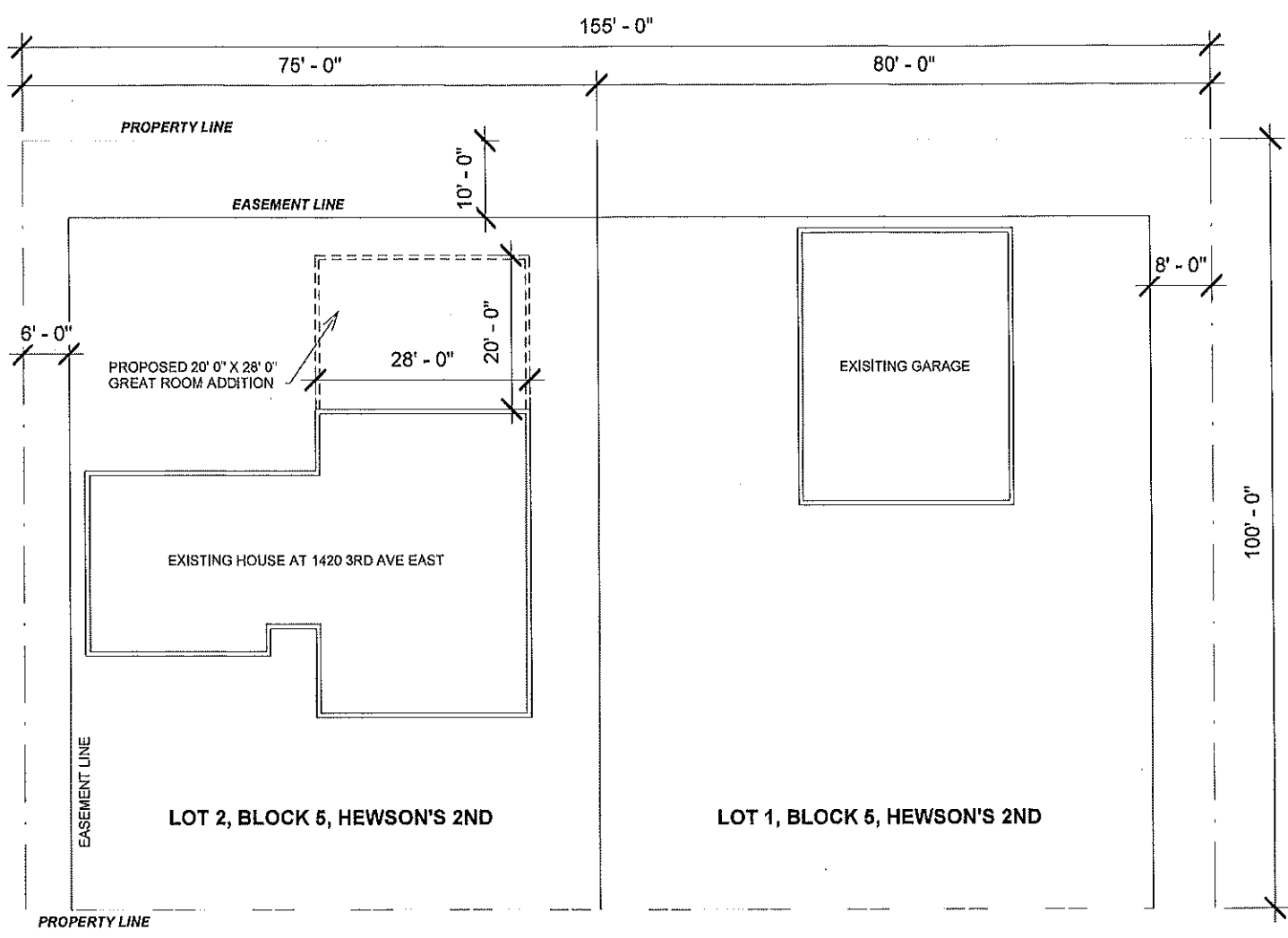
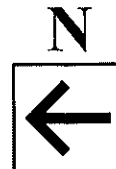
Describe how the hardship is not shared generally by other properties in the same zoning district and in the same vicinity:

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: <input type="checkbox"/> Cash <input type="checkbox"/> Credit/Debit <input type="checkbox"/> Check # _____ Receipt # _____	



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"

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



Staff Report

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

Owner/APPLICANT

Applicant
 Philip Worley
 972 Dell Avenue
 Dickinson, ND 58601

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

REQUEST

- A. **Request:** To allow parking within the front yard setback (outside of the permitted driveway) which is not allowable per City of Dickinson Municipal Code.
- B. **Project Address/Legal Description/Area:** 972 Dell Avenue-Lot 4 Block 5 Washington Addition.
- C. **Project Description:** Unpermitted Parking Pad for front yard setback parking

STAFF REVIEW AND RECOMMENDATIONS

- A. **Compatibility with Local Uses: Section 39.09.008 Parking of Certain Vehicles –** Homeowner installed a concrete parking pad in the front yard setback and right-of-way without a permit and without a property locate.
- B. **Compliance with Zoning and Subdivision Regulations: Location of Parking: 2.** Parking of personal vehicles is permitted on a paved driveway (outside of an enclosed structure/garage) within the front yard setback but shall in no case encroach upon the public right-of-way.
- C. **Public Input:** No Public comment at the time of this report.
- D. **Staff Recommendation:** Staff recommends Denial of Parking Pad Permit and removal within 20 days of this meeting.

Table I: Current Zoning and Use

ZONING	R1
FUTURE LAND USE MAP DESIGNATION	R1
GROSS SITE ACREAGE	.198 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 (**Front Yard Setback Parking 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 (**Front Yard Setback Parking 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."*

- 1. Property Owner to remove concrete pad within 20 days of this denial.*

**ATTACHMENT A –
APPLICATION MATERIALS**





From: [Jotform](#)
To: [Nicole Snyder](#); [Sylvia Miller](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#)
Subject: Re: Board of Adjustment
Date: Tuesday, July 16, 2024 11:49:47 AM
Attachments: [5969613639019885130_signature_33.png](#)
[Neighbor Letter.pdf](#)
[Purpose Statement.docx](#)
[Site Plan.pdf](#)
[Code Enforcement Letter.pdf](#)
[5969613639019885130.pdf](#)
[5969613639019885130_signature_33.png](#)



Board of Adjustment

Who is the applicant Property Owner

Property Owner Phillip Worley

Property Owner's Phone Number (706) 809-3073

Property Owner's Email paperworley@gmail.com

Applicant Name Phillip Worley

Applicant's Phone Number (706) 809-3073

Applicant's Email paperworley@gmail.com

Property Location 972 Dell Avenue, Dickinson, ND, 58601

Property Legal Description Lot 4, Block 5, Washington Addition- in the City of Dickinson

Zoning District Low Density Residential R1

Existing Use Low Density Residential R1

Zoning/Use	Adjacent Zoning	Adjacent Use
North	Residential	Residential
South	Residential	Residential
East	Residential	Residential
West	Residential	Residential

General Description of Concrete Parking Pad Approval

Request

Purpose Statement [Neighbor Letter.pdf](#)
[Purpose Statement.docx](#)

Site Plan [Site Plan.pdf](#)

Describe how the hardship is not shared generally by other properties in the same zoning district and the same vicinity The concrete pad adjoins the neighbor's driveway which is also concrete. We paid several thousand dollars for the improvement and it will cost several thousand more dollars to have it removed and the area landscaped again. Everyone who has seen the parking pad has said it is a definite improvement and makes the entire area look better.

Zoning Code Sections Relevant to this Request Section 39.08.004
Section 39.09.008

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

Copies of any order, requirement, decision, or determination made by an administrative official of the City of Dickinson that is relevant to this request. [Code Enforcement Letter.pdf](#)

Applicant/Property Owner Signature 

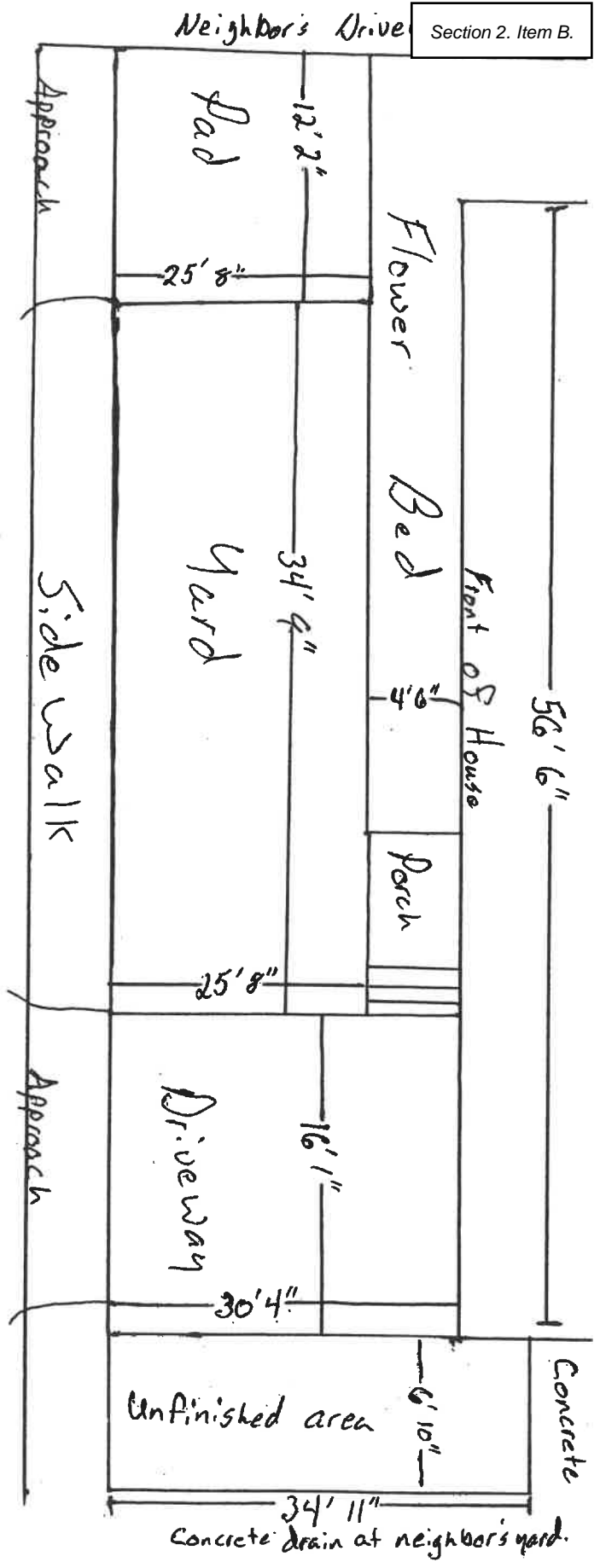
Date 07-16-2024

Board of Adjustment Board of Adjustment 150.00 USD
Total: \$150.00
Transaction ID: j1xd3fa4

Payment Information

First Name: Paige
Last Name: Worley
E-Mail: paperworley@gmail.com

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



1/8" equals a Foot



972 Dell Avenue, Dickinson, ND 58601
706-809-0292
paperworley@gmail.com

July 16, 2024

Dear Board of Adjusters,

Recently, my husband and I had our back patio torn up and redone as it was cracked, crumbling, and unusable due to its condition. At the same time, we had our driveway redone for the same reason. On the opposite side of our yard was a pad filled with rocks. We decided to have a concrete pad poured in that location as well. When we purchased our home eight years ago, the rock pad was there, and the homeowners had been parking a camper there. We were parking my husband's work truck there, due to the equipment kept in the vehicle and our security camera's view of that location. We have been parking in that spot for eight years with no complaints or issues. A couple of years ago, the City of Dickinson made improvements to our sidewalk on the block and at that time, they (City) put in an approach where our parking spot was, indicating there was no issue with it being a parking spot. When the approach was installed, the rock began to wash into the roadway, so we decided to have a concrete pad poured while we were having other work done. We asked the contractor hired if a permit was required, and his response was he had never had to get a permit to pour concrete, so no permit was sought. We are now being told that the pad must be removed, even though it is a definite improvement to the landscape. We are also being told we can no longer park in that location, even though the city put in the approach, and we have been parking there for eight years. The cost attributed to this will be a huge hardship as we paid several thousand dollars for the improvement and will have to pay several thousand more to remove it and relandscape that area.

We respectfully request the pad be allowed to remain.

Paige Worley

