



# BOARD OF ADJUSTMENT MEETING AGENDA

Monday, July 08, 2024 at 7:30 AM  
City Hall – 38 1st Street West Dickinson, ND 58601

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## 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.** 446 W 18TH STREET

**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.**



# BOARD OF ADJUSTMENT MEETING MINUTES

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

Board Member Troy Bosch motioned to approve the minutes for December 2023.

Board Member Trevor Ernst motioned second to approve the minutes for December 2023. The motion passed.

**2. REGULAR AGENDA:**

A. 640 12th Street West

Chairman Shawn Soehren called meeting to order and mentioned Board Members Bruce Burke and Pat Bren are absent. Mr. Soehren asked Leonard to speak on this property, it did not appear there was anyone to speak on the property. Building Official Leonard Schwindt stated this is a nonconforming sign but the owners are requesting to keep the existing structure. The height of the new sign does meet code. The applicant states in their request, that if they do not get this variance the cost is substantial and that it would impede on the parking spaces. Mr. Schwindt stated that there are a few more nonconforming signs down 12th street. Board Member Troy Bosch asked if there has been issues or safety concerns with this sign? Mr. Schwindt stated that he does not know of any. Mr. Schwindt stated that we stipulate if anything happens to this sign, that the sign then should meet current codes. Board Member Troy Bosch motioned to approve this variance. Board Member Trevor Ernst second motion to approve this variance.

**3. OTHER BUSINESS**

Building Official Leonard Schwindt asks board to consider accessory detached structures, as far as size. Mr. Schwindt stated that we have a large number of structures being approved by the board, we should look at the code to be changed, from 1200 sq ft to 1400 sq ft. Board Member Trevor Ernst asked if he has had any feedback or research done comparing other cities in North Dakota. Mr. Schwindt stated that we have similarities to other cities in North Dakota, the 1200 sq ft is similar to other cities. They just use different formulas. The Board Members requested that Mr. Schwindt send them the average lot sizes and the average size detached structures so they can review the information.

**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.*

Prepared By:

X   
\_\_\_\_\_  
Nicole Snyder

Approved By:

X   
\_\_\_\_\_  
Leonard W. Schwindt



## Staff Report

**To:** Board of Adjustment  
**From:** City of Dickinson Development Team  
**Date:** {7/8/2024}  
**Re:** **Setback Variance**

### Owner/APPLICANT

Applicant  
 Matt Millon  
 446 18<sup>th</sup> St W  
 Dickinson, ND 58601

**Public Hearings:** {7/8/2024} Board of Adjustment

### REQUEST

- A. Request:** To reduce the required 10ft setback on a CC zoned lot to a 0ft setback.
- B. Project Address/Legal Description/Area:** 446 18<sup>th</sup> St W/Lots 4 & 5 Block 2, 2<sup>nd</sup> Replat Prairie Hills 1st
- C. Project Description:** Build a 360 sq ft Loading Dock Enclosure
- D. Operation:**

### STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses:** Structure does not create a vision concern for the public. Other properties zoned CC within a 1 block radius reflect similar setbacks.
- 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:** The City Development Team staff recommends approval based on the explanation of hardship of the applicant.

Table I: Current Zoning and Use

<b>ZONING</b>	CC
<b>FUTURE LAND USE MAP DESIGNATION</b>	CC
<b>GROSS SITE ACREAGE</b>	2.040

Table II: Current Adjacent Land Use/Zoning

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

**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



**From:** [Jofform](#)  
**To:** [Nicole Snyder](#); [Sylvia Miller](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#)  
**Subject:** Re: Board of Adjustment  
**Date:** Tuesday, June 4, 2024 12:58:13 PM  
**Attachments:** [5933366721428275780\\_signature\\_33.png](#)  
[23315 Dickinson, ND Site Plan with Property Line \(2\).pdf](#)  
[25\\_23315 Dickinson, ND Site Plan with Property Line \(2\)\\_604.pdf](#)  
[9\\_23315 Dickinson, ND Site Plan with Property Line \(2\)\\_2861.pdf](#)  
[5933366721428275780.pdf](#)  
[5933366721428275780\\_signature\\_33.png](#)



## Board of Adjustment

Who is the applicant	Authorized Personnel
Property Owner	Matt Millon
Property Owner's Phone Number	(585) 530-7220
Property Owner's Email	matthew.millon@permitadvisors.com
Property Owner's Signature or Authorization Letter	<a href="#">9_23315 Dickinson, ND Site Plan with Property Line (2)_2861.pdf</a>
Applicant Name	Matt Millon
Applicant's Phone Number	(585) 530-7220
Applicant's Email	matthew.millon@permitadvisors.com
Property Location	446 W 18th St, Dickinson, ND, 58601
Property Legal Description	Variance Request for Weather Enclosure
Zoning District	M
Existing Use	Retail
General Description of Request	Varaince for Enclosure
Purpose Statement	<a href="#">23315 Dickinson, ND Site Plan with Property Line (2).pdf</a>
Site Plan	<a href="#">25_23315 Dickinson, ND Site Plan with Property Line (2)_604.pdf</a>

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

The property lines

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

No

Applicant/Property Owner Signature



Date 06-04-2024

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

**Payer Information**

First Name: Loris  
Last Name: Memic  
E-Mail: matthew.millon@permitadvisors.com

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





TRUST. EXPERIENCE. DELIVERY.

June 11, 2024

REGARDING:  
Harbor Freight Tools  
Dickinson, ND  
ADA Project No: 23315

Dickinson Board of Adjustment  
City of Dickinson City Hall  
38 1st Street West  
Dickinson, ND 58601

To the Dickinson Board of Adjustment,

The following letter is to describe the hardship experienced by the Harbor Freight Tools project located at 446 18th Street West, Dickinson, ND 58601.

At the outset of the project, Harbor Freight had been working with the landlord to demise the building that had been the Family Fare grocery, with the Harbor Freight originally slated to take one of the two loading dock positions at the existing loading area. This is the layout that is depicted in the original set of permit drawings, dated 11/20/23.

After the drawings had been submitted, the landlord was working with another tenant for the remainder of the building. This tenant has a requirement to install a trash compactor, and the side of the building that fronts onto 18th Street West was not large enough for this compactor. The landlord worked with HFT to revise the deal, such that the prospective adjacent tenant would receive both dock positions, and HFT would have to load out the back of the building.

Harbor Freight's loading operations in this revised scheme, depicted in the Bulletin 1 drawings dated 03/13/24, require a concrete platform capable of handling heavy forklift use. Harbor Freight sells various products that are too heavy to be safely unloaded by hand without a forklift, such as car hoists and tool chests. The platform, due to the limitations of the site and delivery truck maneuverability, had to fall within the setbacks from the property line, as the rear wall where the platform is built is the only exterior wall in Harbor Freight's lease extents that a tractor trailer could reach.

The platform also serves as the foundation for a receiving enclosure, which would add walls and a roof over the platform. The primary goal of the enclosure is to keep falling and wind-blown snow off the platform during the heavy snow season. This enclosure works to protect the employees from workplace accidents, and serves one of Harbor Freight's key pillars of being "a great place to work", as well as "a great place to shop." Ultimately, we believe that this loading location and enclosure is the only spot that would allow Harbor Freight to unload in a manner that is safe and efficient.

Respectfully submitted,

Dan Collins  
ADA Architects, Inc.

Owner's Affidavit

I, Robert Miller, upon being duly sworn, hereby swear and affirm that I am the owner of the property identified herein and hereby provide my consent described herein upon the property.

Owners Signature: [Handwritten Signature]

Printed Name: Robert Miller Date: 6/4/2024

STATE OF IL )
COUNTY OF Cook ) ss

On this 4 day of June, in the year 2024, before me personally appeared Robert Miller, 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.

[Handwritten Signature]
Notary Public
County of Cook
State of IL

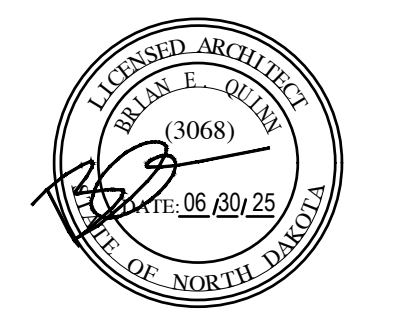
Notary Stamp





**GENERAL NOTES**

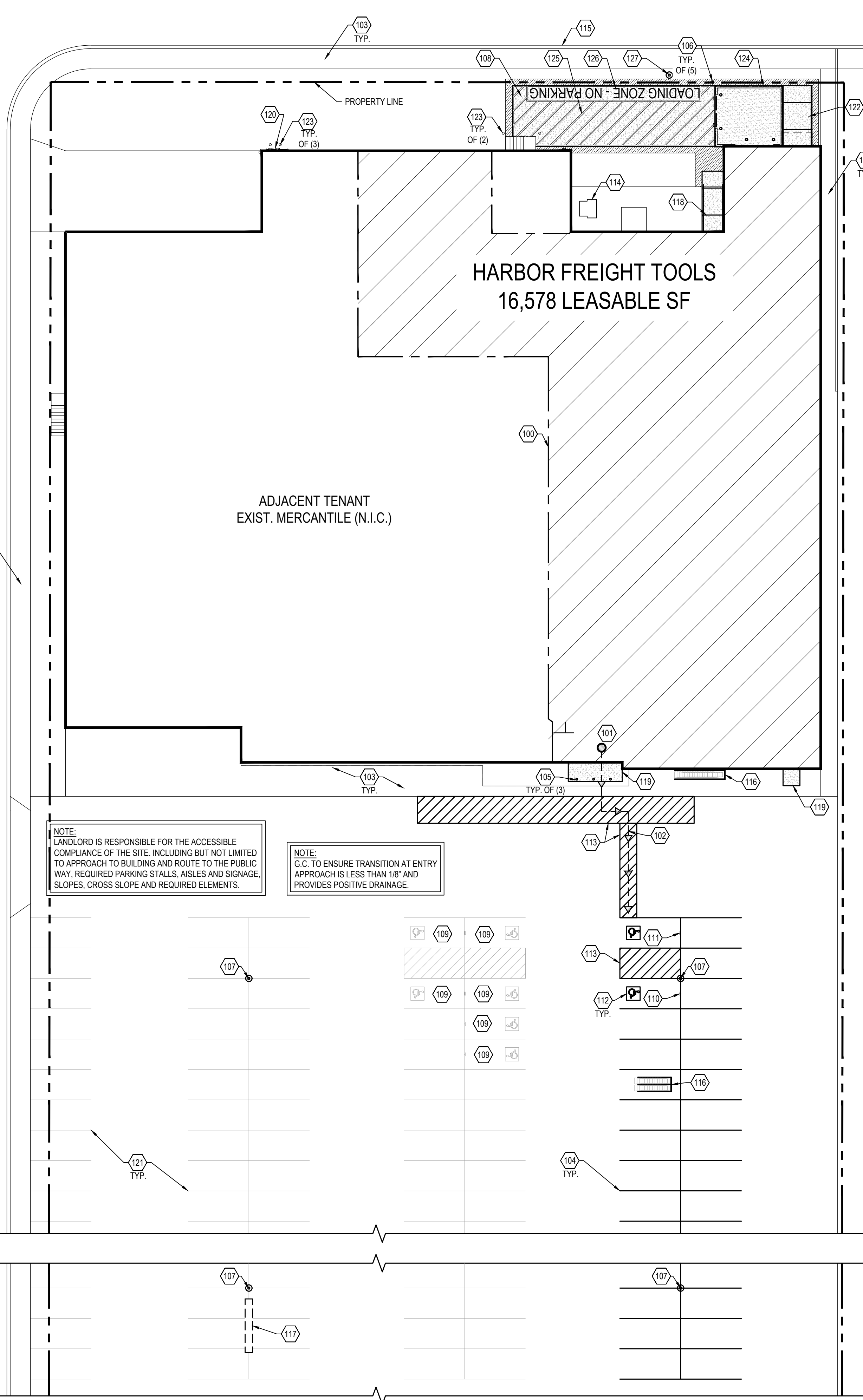
- NO ADDITIONAL SITE CHANGES ARE REQUIRED, EXCEPT WHERE NOTED OTHERWISE ON ARCHITECTURAL FLOOR PLANS.
- APPROXIMATE LOCATION OF HFT LEASE LINE.
- MAIN TENANT ENTRANCE DOORS. SEE SHEET A1.1 AND A5.0 FOR ADDITIONAL INFORMATION.
- ACCESSIBLE PATH OF TRAVEL.
- EXISTING CONCRETE SIDEWALK.
- EXISTING PARKING STRIPING TO BE RE-STRIPED AT HFT LEASE EXTENTS (APPROX ±63), INCLUDING, BUT NOT LIMITED TO, ACCESSIBLE ROUTES, PARKING STRIPING, STOP BARS, ETC. PAINT TO MATCH EXISTING. G.C. TO CONFIRM EXTENTS OF RE-STRIPING WITH HFT PM AND BV PM.
- 6"Ø BOLLARD. SEE SHEET A1.1 AND DETAIL 3/A4.1 FOR ADDITIONAL INFORMATION.
- 8"Ø BOLLARD. SEE SHEET A1.1 AND DETAIL 3/A4.1 FOR ADDITIONAL INFORMATION.
- EXISTING SITE LIGHTING. G.C. TO PAINT EXISTING POLE BASE P-7.
- CONCRETE RECEIVING PAD. SEE SHEET A1.1 FOR ADDITIONAL INFORMATION.
- EXISTING ACCESSIBLE PARKING SPACE, AISLE, SYMBOL, AND SIGNAGE TO REMAIN.
- ACCESSIBLE PARKING SIGNAGE. SEE DETAIL 2/AS1.0 FOR ADDITIONAL INFORMATION.
- VAN ACCESSIBLE PARKING SIGNAGE. SEE DETAIL 2/AS1.0 FOR ADDITIONAL INFORMATION.
- ACCESSIBLE PARKING SYMBOL. SEE DETAIL 1/AS1.0 FOR ADDITIONAL INFORMATION.
- ACCESSIBLE AISLE STRIPING. STRIPING SHALL BE 4" WIDE, COLOR: BLUE - FEDERAL STANDARD 595B DIAGONAL STRIPING @ 45°, 2"Ø O.C.
- EXISTING PAD MOUNTED TRANSFORMER.
- EXISTING CURB AT REAR OF DRIVE.
- APPROXIMATE LOCATION OF CART CORRAL.
- EXISTING PYLON SIGNBOARD TO REMAIN.
- NEW CONCRETE EGRESS RAMP. SEE SHEET A1.1 FOR ADDITIONAL INFORMATION.
- LOCATION OF CONCRETE FROST SLAB. SEE SHEET A1.1 FOR ADDITIONAL INFORMATION.
- EXISTING GAS METER. SEE PLUMBING DRAWINGS FOR ADDITIONAL INFORMATION.
- EXISTING PARKING LOT STRIPING TO REMAIN.
- NEW FORKLIFT TO GRADE ACCESS RAMP. SEE SHEETS D1.0, A1.1 AND A4.3 FOR ADDITIONAL INFORMATION.
- EXISTING BOLLARD TO REMAIN.
- NEW WEATHER ENCLOSURE. SEE SHEETS A1.1, A4.3 AND A4.4 FOR ADDITIONAL INFORMATION.
- AREA OF STRIPING TO DESIGNATE NO PARKING. STRIPING SHALL BE 4" WIDE, COLOR: P-7. DIAGONAL STRIPING @ 45°, 3"Ø O.C.
- PAINT 3"Ø HIGH WHITE LETTERING STATING "LOADING ZONE - NO PARKING," FONT: ARIAL NARROW.
- APPROXIMATE LOCATION OF EXISTING STREET LAMP.



**100 SERIES SITE PLAN KEY NOTES**

NOTE:  
G.C. SHALL FIELD VERIFY EXISTING GRADES AND ENSURE GRADING NOTED AT DOCK PAD IS ACHIEVABLE PRIOR TO CONCRETE POUR. CONTACT ARCHITECT PRIOR TO STARTING WORK IF NOTED GRADING CANNOT BE ACHIEVED. RECEIVING PAD MUST HAVE MINIMUM 1% SLOPE AWAY FROM THE BUILDING.

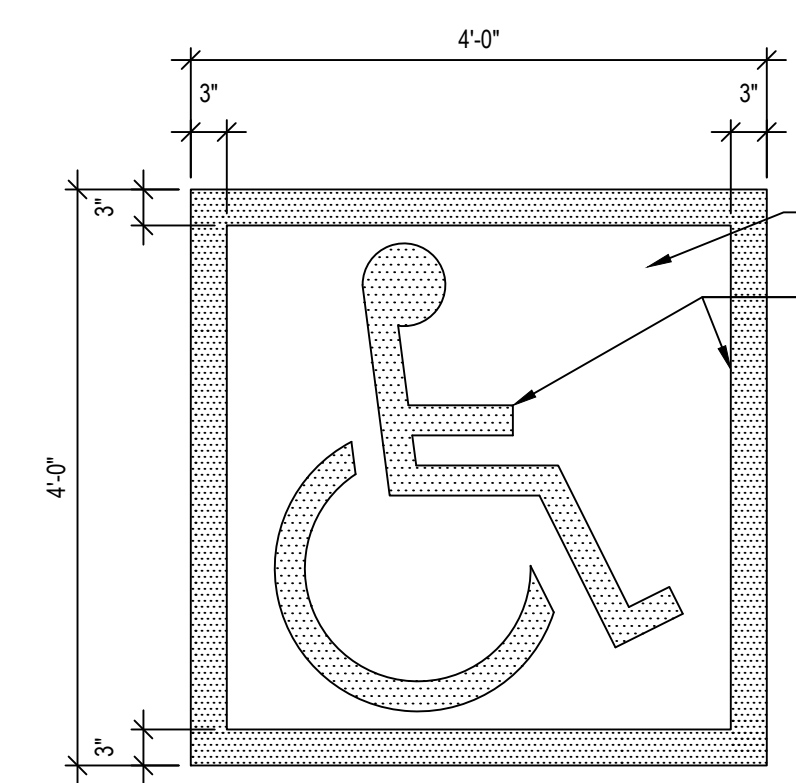
NOTE:  
NO COLD PATCH ASPHALT PERMITTED.



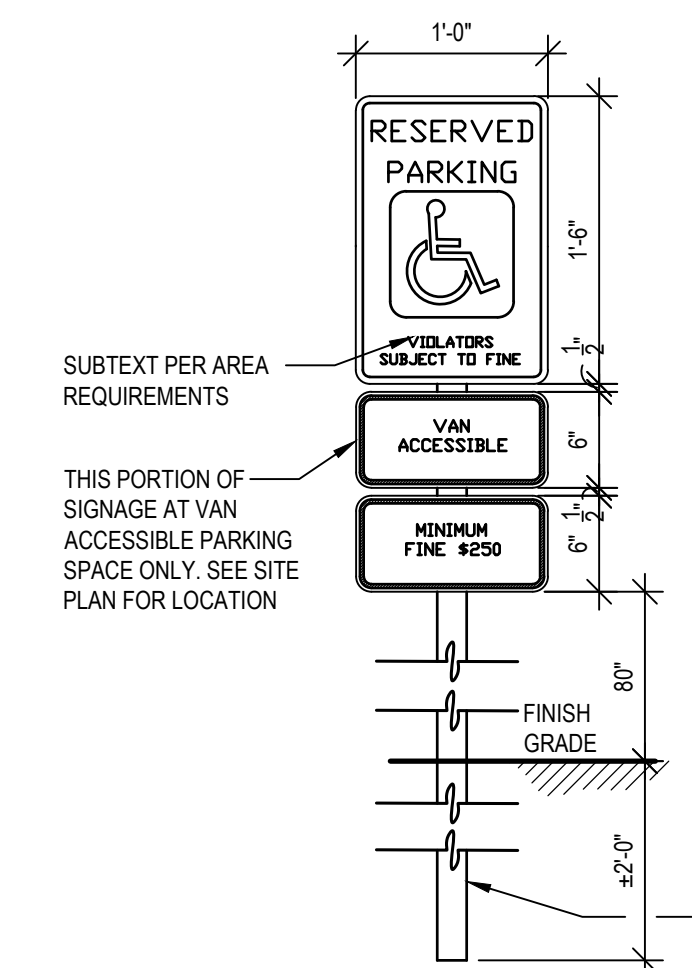
NOTE:  
LANDLORD IS RESPONSIBLE FOR THE ACCESSIBLE COMPLIANCE OF THE SITE, INCLUDING BUT NOT LIMITED TO APPROACH TO BUILDING AND ROUTE TO THE PUBLIC WAY, REQUIRED PARKING STALLS, AISLES AND SIGNAGE, SLOPES, CROSS SLOPE AND REQUIRED ELEMENTS.

NOTE:  
G.C. TO ENSURE TRANSITION AT ENTRY APPROACH IS LESS THAN 1/8" AND PROVIDES POSITIVE DRAINAGE.

**ARCHITECTURAL SITE PLAN**  
SCALE: 1" = 20'



**1 ACCESSIBLE SYMBOL DETAIL**  
SCALE: 3/4" = 1'-0"



**2 ACCESSIBLE SIGNAGE DETAIL**  
SCALE: 1" = 1'-0"



**OVERALL SITE PLAN**  
NOT TO SCALE

**DO NOT SCALE THESE DRAWINGS**

**HARBOR FREIGHT**  
446 18TH STREET W.  
DICKINSON, ND 58601

**ADA ARCHITECTS**  
17710 Detroit Avenue  
Lakewood, Ohio 44107  
Phone (216) 521-1534 Fax (216) 521-14824  
www.adaarchitects.com

REVISIONS	
#	DATE
1	03/24
2	
3	
4	
5	
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8	
9	
10	

TYPE: BULLETIN 1

ARCHITECTURAL SITE PLAN

DATE: 11/20/23

JOB NO. 23315

**AS1.0**

SHEET NO.