

# A G E N D A

## BOARD OF ADJUSTMENT

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MONDAY

April 10<sup>th</sup>, 2023  
MEETING LOCATION – CITY HALL, 38 1<sup>st</sup> Street West

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### CALL TO ORDER – 7:30 AM

### ROLL CALL

Chairman: Larry Bares  
Vice Chairman: Pat Bren

City Staff: Building Official Leonard Schwindt

Board Members: Trevor Ernst  
Bruce Burke  
Shawn Soehren

**Meeting Packet:** <https://tinyurl.com/BOA-04-10-2023-Packet>

**Stream Link:** <https://tinyurl.com/BOA-04-10-2023-Stream>

**Teams Meeting:** <https://tinyurl.com/BOA-04-10-2023-Teams>

**Meeting ID:** 226 700 438 687

**Meeting Passcode:** Jg3sLC

**Teams Phone #:** +1 701-506-0320

**Phone Conference ID:** 798 631 89#

**Local Phone #:** 701-456-7006

<https://dickinsongov.com/2023/04/10/board-of-adjustment-meeting-information-april-10-2023/>

### I. STANDARD MOTIONS

MINUTES – January 9<sup>th</sup>, 2023 meeting minutes submitted for approval

### II. REGULAR AGENDA

1. To consider a Variance request to exceed the maximum square footage of a detached structure on a RR zoned lot by 1460 square feet. Located at 2363 9<sup>th</sup> Street East, Dickinson, ND 58601.

### III. OTHER BUSINESS

1. NONE

### IV. ADJOURNMENT

# BOARD OF ADJUSTMENT MEETING MINUTES

February 13<sup>th</sup>, 2023

## OPENING CEREMONIES AND PRESENTATIONS

### I. CALL TO ORDER

Chairman Larry Bares called the meeting to order at 7:30 am.

### ROLL CALL

PRESENT: Chairman Larry Bares, Vice Chair Pat Bren, Trevor Ernst, Shawn Soehren and Bruce Burke

ABSENT:

STAFF Leonard Schwindt, Christina Wenko

### II. STANDARD MOTIONS

MINUTES – Minutes for January 9<sup>th</sup>, 2023 submitted for approval.

To approve the January 9<sup>th</sup>, 2023 meeting minutes.  
Minutes corrected.

MOTION BY: Bruce Burke SECOND: Pat Bren

DISPOSITION: Motion carried unanimously.

### III. REGULAR AGENDA

- 1. To consider a Variance request to reduce the required 11 off street parking spaces for a Day Care Services to 4 off street parking. Section 39.09.003, property located at 357 1<sup>st</sup> Street East, Dickinson, ND 58601**

*Krista Brandt is present to speak about her request, she is the owner of Happy Campers Daycare. Ms. Brandt explains that the 4 off street parking spaces are all they have available this will cause the outdoor space to be cut in half only allowing 5-6 children out at one time. Megan Vanson owner of artistic exchange studio, Ms. Vanson explains she was the tenant in the facility prior to Ms. Brandt. Ms. Vanson explains they were up to code they had parking spaces in the back, the owner of the building also rented out parking spaces from the Ponderosa. Ms. Vanson explains there is a 90% drop in the parking situation from the dance studio having 300 kids to Ms. Brandt only having 30. Ms. Vanson states that 3 years ago she asked that the city put in a 20 mile per hour speed limit in that area because people would speed up at the end of that road. Ms. Vanson explains the issue of surrounding parking the best possible option is to put up a sign for towing and tow the vehicle. Aspen Pavelich neighbor to the applicant states the parking is very small and they never have any issue, the parents are very fast and it has never affected her parking or her families parking. Ryan Jilek Stark County Development is asking that this be supported, Mr. Jilek feels the drop off parking issue will be a small issue, it is a very land locked property and they need to get creative. Chairman Larry Bares asks Ms. Brandt what percentage of the parents have multiple children. Ms. Brandt explains that she is currently not licensed and cannot have that many kids, but currently in her house she has one family that is multiple children and her wait list has 75 families and there are multiple families that have multiple children, and staff members including herself will have children at the location. Don Kramer owner of the building that he was not notified about the sale of the parking lot that he was paying rent on. Mr. Kramer explains it was sold without his knowledge, he was informed by another property owner. Mr. Kramer states*

**BOARD OF ADJUSTMENT MEETING MINUTES**

February 13<sup>th</sup>, 2023

*this puts him in the predicament that is being discussed currently. Mr. Kramer explains that he paid \$500 a year for those spots. Mr. Bares asks Building Official Leonard Schwindt if there were any phone calls from the public about this. Mr. Schwindt states there have been no phone calls at this time. Board Member Shawn Soehren states there was downtown parking for years and the city has started selling lots and they sold this lot by ponderosa did it affect any other businesses? Mr. Schwindt states that it may affect other businesses in the area. Mr. Soehren states that 11 parking spaces seems small for this size of facilities in his opinion. Mr. Schwindt states that his staff will be reviewing this and making recommendations to the planning and zoning board. Mr. Soehren states that the city put a pretty big hardship on this building that has been there for a while. Mr. Soehren asks for a residential daycare what is their parking requirements. Mr. Schwindt explains the last request that came to the board that was a daycare. Discussion of parking and other residential daycares takes place between Mr. Soehren and Mr. Schwindt. Board member Bruce Burke motions to approve the parking requirement from 11 off street parking spaces to 4 off street parking spaces.*

I move to approve the variance finding that the requirements of Section 39.12.011(c)(1) have been met by the applicant for a variance with the following condition(s):

**\*\*Motion to Approve Variance\*\***

**MOTION BY:** Bruce Burke                      **SECOND:** Shawn Soehren  
**DISPOSITION:** Roll call vote... Aye 5, Nay 0, Absent  
Motion declared duly passed.

**IV. OTHER BUSINESS**

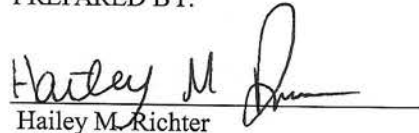
**V. ADJOURNMENT**

Motion to adjourn:

**MOTION BY:** Pat Bren                      **SECOND:** Trevor Ernst  
**DISPOSITION:** Roll call vote... Aye 5, Nay 0, Absent 0  
Motion declared duly passed.

There being no further business to discuss Chairman Larry Bares called the meeting to a close; meeting adjourned at 7:50 am

PREPARED BY:

  
Hailey M. Richter

APPROVED BY:

  
Leonard W. Schwindt

CITY OF  
**DICKINSON**  
North Dakota

**Building Staff Report**

**To:** Board of Adjustment  
**From:** City of Dickinson Development Team  
**Date:** March 24<sup>th</sup>, 2023  
**Re:** Detached structure variance request

**OWNER/APPLICANT**

Ray Wanner  
2363 9<sup>th</sup> Street East  
Dickinson, ND 58601

**Public Hearings:** April 10, 2023 Board of Adjustment

**REQUEST**

- A. Request:** Request to exceed the maximum square footage of detached structures by 1460 square feet by requesting to construct a detached structure of 3,160 square feet.
- B. Project Address/Legal Description/Area:** 2363 9<sup>th</sup> Street East, Lots 3 & 4 Plus W33' Vacated Street, Block 4 Webers Subdivision

**STAFF REVIEW**

- C. Project Notes:** Property history documents a lot variance was approved September 14, 1998 for a detached structure exceeding the then formula of the City of Dickinson Municipal Code. Based on the current Municipal Code formula for detached structures, the applicate exceeds the maximum detached structure by 1460 square feet. Zoning District Regulations Table 4-3c Note 7.
- A. Public Input:** No response at the time of creation of this staff report
- B. Staff Recommendation:** The City Development Team staff recommends with an approval vote that the following conditions be attached to the approving resolution:
  - No future additional detached structures shall be allowed, permitted or unpermitted.

**Table I: Current Zoning and Use**

ZONING	RR Rural Residential
FUTURE LAND USE MAP DESIGNATION	RR Rural Residential
GROSS SITE ACREAGE	2.080

Table II: Current Adjacent Land Use/Zoning

Direction	Zoning	Land Use
North	RR Rural Residential	Residential
East	RR Rural Residential	Residential Single Family Detached
South	RR Rural Residential	Residential Single Family Detached
West	RR Rural Residential	Residential Single Family Detached

Attachments:

- A - Application Material

**MOTIONS:**

**\*\*\*Approval\*\*\***

*"I move the City of Dickinson Board of Adjustment recommend Approval of **maximum square footage of a detached accessory structure on a RR zoned lot by 1460 square feet** 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. No Future additional detached structures shall be allowed, permitted or unpermitted.

**\*\*\*Denial\*\*\***

*"I move the Dickinson Board of Adjustment recommend Denial of **maximum square footage of a detached accessory structure on a RR zoned lot by 1460 square feet**. 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 - Proposed Addition



September 14, 1998 Board of Adjustment Meeting Minutes.

**BOARD OF ADJUSTMENT**  
**SEPTEMBER 14, 1998**

**OPENING CEREMONIES AND PRESENTATIONS**

1. **CALL TO ORDER**  
Chairman Larry Bares called the meeting to order at 7:30 am.
- II. **ROLL CALL**  
PRESENT: Gary Bleth, Nick Mosbrucke, Wally Steckler, Al Uhler,  
Larry Bares, and Dick Bertie.  
ABSENT: None.

**STANDARD MOTIONS**

- A. **MINUTES**  
Minutes of the August 11, 1998 meeting were submitted for approval.  
**MOTION BY:** Gary Bleth                                   **SECOND:** Wally Steckler  
**DISPOSITION:** Minutes of the August 11, 1998 meeting approved as  
submitted.

**REGULAR AGENDA**

1. **LOT VARIANCE: TO BUILD 3,468 SQUARE FEET OF GARAGE WHERE 2,100 SQUARE FEET IS ALLOWED**  
Ray Wanner is requesting to build 3,468 square feet of garage where 2,100 square feet is allowed on Lot 3 and Lot 4, Block 4, Weber's Second Addition to the City of Dickinson.  

Ray Wanner owns approximately two acres of this property. He plans on building a house, along with a 40' x 60' garage with a triple garage attached to the house. He stated the 40' x 60' garage will have color-locked siding to match the house.

Ernie Meisel, who owns 2276 Ninth Street East was the only neighbor within the 200 feet of signatures being required, whom wanted to be recorded as being opposed to Ray Wanner's request. All the other neighbor's who signed within the 200 feet were not opposed to his request.

Ray plans to begin construction as soon as possible. Gary Bleth questioned the approximate size of the side walls on the garage? Ray stated he estimated them to be 12 feet.  
**MOTION BY:** Wally Steckler                                   **SECOND:** Dick Bertie  
to approve the Lot Variance to build 3,468 square feet of garage where 2,100 square feet is allowed on Lot 3 and Lot 4, Block 4, Weber's Second Addition to the City of Dickinson.
  2. **ADJOURNMENT:**  
There being no further business to come before the Board,  
**MOTION BY:** Nick Mosbrucke                                   **SECOND:** Gary Bleth  
to adjourn meeting. Meeting adjourned at 7:45 A.M.
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**From:** [Jofform](#)  
**To:** [Hailey Richter](#); [Sylvia Miller](#)  
**Subject:** Re: Board of Adjustment  
**Date:** Wednesday, March 8, 2023 9:41:13 AM  
**Attachments:** [5541028608215848127\\_signature\\_33.png](#)  
[Ray Wanner Purpose Statement.pdf](#)  
[scan.pdf](#)  
[5541028608215848127\\_signature\\_33.png](#)



## Board of Adjustment

Who is the applicant	Property Owner
Property Owner	Ray Wanner
Property Owner's Phone Number	(701) 260-0013
Property Owner's Email	raywanner@ndsupernet.com
Property Owner's Address	2363 9th Street East , Dickinson, ND , 58601
Applicant Name	Ray Wanner
Applicant's Phone Number	(701) 260-0013
Applicant's Email	raywanner@ndsupernet.com
Applicant's Address	2363 9th Street East , Dickinson, ND, 58601
Property Location	2363 9th Street East , Dickinson, ND, 58601
Property Legal Description	Lots 3&4 plus W33' Vacated Street, Block 4, Webers Subdivision
Zoning District	RR
Existing Use	Outbuilding
General Description of Request	add 16' on west side of existing building same as existing building, asking to exceed the max square footage
Purpose Statement	<a href="#">Ray Wanner Purpose Statement.pdf</a>
Site Plan	<a href="#">scan.pdf</a>
Describe how the hardship	The neighbors do not do the hobbies that I do, most of the



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

neighbors in the area have other out buildings similar to mine. But they do not do the hobbies that I do that require more storage.

Zoning Code Sections Relevant to this Request

chapter 39

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

Yes

Date of When

01-01-1999

Applicant/Property Owner Signature

Date

03-08-2023

Board of Adjustment

Board of Adjustment

150.00 USD

Total:

\$150.00

Transaction ID:

h7qgtyy1

**==Payer Info==**

First Name Ray  
Last Name Wanner

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

Need more storage for yard equipment and tools for hobby tools and equipment and restored projects to keep indoors otherwise having to rent storage at another location all neighbors properties and buildings a long distance from this addition.

Ray Wanner



230'

120'

40'

150'

952.440.0500

