



Staff Report

To: Board of Adjustment
From: City of Dickinson Development Team
Date: 9/11/2023
Re: Variance request to create a parking pad outside of the required off street parking area.

OWNER/APPLICANT

Applicant

Luke Simons
 280 9th Street W
 Dickinson, ND 58601

Public Hearings: {9/11/2023}

Board of Adjustment

REQUEST

- A. Request:** To create a parking pad outside of the required off street parking area.
- B. Project Address/Legal Description/Area:** 280 9th Street W – Lot 6 Block 1 Hilliard & Manning 2nd Addition Subdivision Lot 3.

STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses: Section 39.09.008 Parking of Certain Vehicles – Location of Parking**
- 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.
 - **All paved surfaces exceeding four feet in width shall require a Driveway/Pad Permit issued by the Building Official or designee.**
 - Parking of personal vehicles within an interior side yard **must be located on a paved surface on the garage side of the property** but shall not encroach upon the public right-of-way.
- B. Public Input: comment of no support. Statement: “Landowner should follow the rules just like everyone else in the neighborhood”**
- C. Staff Comments:**
1. Required 15 ft. Landscape depth **Section 39.08.004 Table 8-1: Refer to Figure 3 in Appendix**
 2. No application for a Driveway/Pad Permit which is required for any additional parking area other than a Driveway outside of a garage. (Letter dated 5-18-23).

Additional Violations at noted property:

- Blocked off street lane (right turn lane) for over 30 days (14 days allowed)
 - Did not receive street/lane closure from City Engineering Dept.
- Blocked off public sidewalk from 5/19/23 to present (over 90 days) (14 days allowed) – see figure 4 in Appendix
- Removed sidewalk, curb & gutter without a right of way permit
- Used an unlicensed contractor to remove sidewalk, curb & gutter
- Non-operable vehicle on driveway with rear of vehicle protruding into the right-of-way beginning 8/17/23 to present. (**Section 39.09.009 Supplementary Regulations: Storage and Parking of Unlicensed or Other Vehicles**)

3. 39.12.011 Powers & Duties of the Board of Adjustment:

- Variances to Relieve Hardships Relating to Property: To authorize, upon appeal, variances from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.
- Under no circumstances shall the Board of Adjustment grant a variance to allow use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Staff Recommendations: Denial of this request to create a parking pad outside of the required off street parking area. Staff recommends that the poured concrete be removed within 30 days of the date of this meeting (9/11/23).

Table I: Current Zoning and Use

ZONING	R2
FUTURE LAND USE MAP DESIGNATION	Residential
GROSS SITE ACREAGE	.11

Table II: Current Adjacent Land Use/Zoning

Direction	Zoning	Land Use
North	R2	Medium Density Residential
East	R2	Medium Density Residential
South	R2	Medium Density Residential
West	R1	Low Density Residential

MOTIONS:

*****Approval*****

"I move the City of Dickinson Board of Adjustment recommend Approval of a variance request to create a parking pad outside of the required off street parking area 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 create a parking pad outside of the required off street parking area** 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



Figure 1: Currently filled with concrete

Attachment B:



Figure 2: Potential parking pad 280 9th St W



Figure 3: Required 15 Ft Landscape Area



Figure 4: Sidewalk, curb & gutter removed w/out permit (approximately 18 feet)



Figure 5: Comparison of Current Concrete vs. Allowed Concrete

- Yellow: current (350 sq ft)
- Red: would be allowed with permit (200 sq ft)