

September 21st, 2023

Joshua Skluzacek, Matthew Galibert, & City Staff  
City of Dickinson  
38 1st Street West  
Dickinson, ND 58601

## Zoning Variance Request

Venture Commercial LLC desires to replat a portion of Lot 2 and all of Lots 3 & 4, Block 1, Glacier Park Addition, hereinafter the “Subject Property” via an irregular plat submittal to the City. The Subject Property can be identified as parcel numbers 6090-0100-0300 and 6090-0100-0400 within the City of Dickinson’s tax identification system. All lots within the Subject Property are zoned General Industrial. The purpose of this replat is to reconfigure some of the existing lot lines to create three separate parcels from the Subject Property. It should also be noted that Consolidated Telcom has agreed to include the remainder of Lot 2, Block 1, Glacier Park Addition, which Consolidated currently owns, on the irregular plat. The approximate western 91.22’ feet of the Subject Property will be removed from 6090-0100-0300 and subsequently added to Consolidated Telcom’s existing property through the irregular plat process. The remaining portions of the Subject Property will be two separate lots with boundaries that are created through the irregular plat. Currently, the Subject Property contains four structures; a ~32’x314’ bus enclosure, a 50’x120’ building, a 36’x120’ bus enclosure, and a 60’x200’ building.

With the current lot lines and building locations, three of the four previously described structures are in violation of one or more of the minimum required setbacks for a General Industrial lot. The 32’x314’ bus enclosure is currently in violation of the minimum side yard setback because it is closer than 10’ to the west existing property line of parcel 6090-0100-0300. The 50’x120’ building is also in violation of the minimum side yard setback because it is closer than 10’ to the east existing property line of 6090-0100-0300. The 60’x200’ violates the minimum side yard setback and also the minimum rear yard setback on parcel 6090-0100-0400.

Venture Commercial LLC is requesting a variance from the minimum required side yard and rear yard setbacks for these parcels. Again, these are existing violations that have been present for many years. Furthermore, it should be noted that existing structures on multiple surrounding properties are also in violation of these same setback requirements. The property directly to the east 6090-0100-0500 has a building that is in violation of both the side yard setback and rear yard setback requirements. The two adjacent properties (6090-0100-0600 and 6090-0100-0700) further east are both in violation of the minimum rear yard setback as well. Therefore, I believe it would be reasonable to grant the variance request for the Subject Properties as well because it is common for the minimum setbacks to be violated in this area.

Furthermore, an approval of this variance request would allow Venture Commercial LLC to proceed with its irregular plat of the Subject Property. The newly proposed lot lines on the irregular plat would remove two of the existing minimum setback violations described above. The 32'x314' bus enclosure would become compliant upon completion of the replat because the existing western lot line would be moved further to the east so the 91.22' would become part of Consolidated property. Additionally, the side yard setback violation of the 60'x200' building would be removed because the existing western lot line on the northern portion of that lot would be moved further west, which would result in an increased side yard setback.

If the City chooses to grant the requested variance, it will promote the intent of the City of Dickinson Municipal Code and promote the public safety and the welfare because it would allow Venture Commercial LLC to complete its irregular plat of the Subject Property. The purpose of the proposed irregular plat is to provide Venture Commercial the ability to sell the resulting properties from the irregular plat. The subsequent resale of these resulting properties to multiple buyers will likely result in investment and improvements to the existing buildings by the buyers. This would enhance the appearance and usage of this area.

Lastly, the requested variance would not negatively impact neighboring property owners because it would simply acknowledge the setback violations that currently exist with these properties and the existing platted lots. Furthermore, as was previously stated, many of the neighboring properties do in fact have similar violations on their own properties as well, so it would be unlikely that they would be opposed to such variance. Therefore, it would represent conformity with existing neighboring structures, which would have no negative impact on the neighboring properties. See the photo below for an aerial depiction of the surrounding properties.



Venture Commercial LLC appreciates City Staff's time and consideration in this matter. If Staff has any additional questions for Venture, please feel free to reach out to me at the contact information below.

Respectfully,

Aaron Grinsteinner

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