



BOARD OF ADJUSTMENT MEETING MINUTES

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 CEREMONIES

PLEDGE OF ALLEGIANCE

1. MEETING MINUTES 7-8-2024

A. MEETING MINUTES

Motion made by Bruce Burke, Seconded by Trevor Ernst.

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

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.

There was no one in the audience to speak on this property. Building Inspector Blaine Dukart stated that in the past the rear yard setback is a 20 foot minimum. Engineer Community Development Director Joshua Skluzacek stated that the applicant did come in for a pre-application meeting wanting to add onto his house, he was already not in compliance if he added onto the house. He told him that he could subdivide the lots, since he owns more than one of the lots behind his house. Chairman Shawn Soehren stated that normally we would table this agenda if the applicant was not present. Board Member Bruce Burke motioned to table this property. Board Member Pat Bren seconded motion to table this agenda.

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

B. 972 DELL AVENUE

-To consider a variance to allow parking within the front yard setback (outside of the permitted driveway) which is not allowed per City of Dickinson Municipal Code. Phillip and Page Worley are in the audience to discuss their property at 972 Dell Avenue. In 2021, the City came and put in a curb/gutter and approach, which caused a little water run off into the road. Around this time, Mr. Worley explained they were looking at pouring their patio, because the approach was put in he poured the concrete in the front. He talked to Al Schoch, owner of Schoch Construction asked him if he needed a permit to pour the concrete in the front Mr. Schoch said they did not need a permit, shortly after the concrete was poured, they found out the concrete was not allowed. Mrs. Worley stated that they have parked in that spot for the last 9 years, the people before even parked there. After the approach was put in, she assumed they could pour the concrete. Chairman Shawn Soehren asked Mr. Dukart if the City did put in the approach. Mr. Dukart stated that in 2021 they were doing work over in that area of town but there was no directive to put in an approach at this property. Chairman Soehren stated that this would be a second driveway on your property and typically there is only one driveway per property. Mr. Skluzacek stated that there is really no where that states that you cannot have two driveways, but if you add up the widths it will exceed what is allowable. We try to work with the individuals to reduce the multiple driveways. Mr. Soehren asked if they left the gravel as it would have been fine or since they poured the concrete did that draw more attention? Mr. Dukart stated that the concrete made it more noticeable. A little over two years ago is when we implemented the parking pad permits so people were not just making a driveway where ever. There are exceptions for two driveways if you are on a corner lot, depending on the size. A parking pad permit is designed to park on the side of the garage, not in the front yard setback. If the parking pad was allowed at this property, it would have had to be poured all the way to the back. Unfortunately, in this case, there probably is no room on either side of the house for a vehicle to be parked. The landscape requirement is the first fifteen feet which is required landscape and than after that should be organic. Mr. Ernst stated that he thinks having to pull the permit would have eliminated this.

Krista Bryan, member from the audience and a neighbor. Mrs. Bryan lives at 973 Dell Avenue stated that the curb approach is very misleading and it is a common occurrence that people are parking in those areas. Mr. Al Schoch, from the audience, stated he did not know he needed a permit to pour this concrete. He does not know how the approach was put in by the City. There has to be a reason that curb approach was put in. Mr. Worley does not have enough room to put another vehicle. The City needs to look at how you can add off street parking for cleaning streets, if people have somewhere else to park, it would save a lot. Mr. Ernst asked how did the city get to look at where the pavers were put in. Mrs. Worley stated that they got a letter after the inspector came to look at the concrete. Mr. Dukart stated that the pavers are not allowed in that right of way. Mrs. Worley stated that she was told by an inspector that sent them the letter. Chairman Soehren stated that this is not really an issue with concrete as it is with them parking there. Mr. Dukart agreed and stated which is 35 percent of the first 15 feet. The main problem is it is poured in the right of way. Mr. Soehren stated but we are granting them the variance to park within the front yard, is what the question is about. This is not really about the concrete, but they are not allowed to park there but they poured the concrete where they cannot park. Mr. Dukart agreed and stated that we would be setting a precedent for them to be parking in front yard setback. There are many letters that go out all the time from code enforcement. Mr. Soehren asked Attorney Wenko if this is denied, do they have the right to go to the City Commission. Attorney Wenko stated that she believes they could. Board Member Bruce Burke stated that there was no permit and it could have stopped all of this. He understands how misleading the curb approach being put in but we would be setting a precedence if we allow this. Mr. Bren motioned to Deny this variance. Mr. Ernst Seconded this motion.

Motion made by Pat Bren, Seconded by Trevor Ernst.

Voting Nay: 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, 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.

Prepared By:

X 

Nicole Snyder

Approved By:

X 

Blaine Dukart