



Staff Report

To: Board of Adjustment
From: City of Dickinson Development Team
Date: {5/12/2025}
Re: Buffer Variance

Owner/APPLICANT

Applicant
 Russ Heiser
 2147 7th Street W
 Dickinson, ND 58601

Public Hearings: {5/12/2025} Board of Adjustment

REQUEST

- A. Request:** To reduce the required Buffer Yard between a General Commercial (GC) zoned lot and adjacent R1 and R2 zoned lots from 30 feet to 15 feet.
- B. Project Address/Legal Description/Area:** Lots 3 and 4 Block 3 Fisher East Side Second Subdivision Replat Block 4 East Side Addition & Unplatted 2-139-96
- C. Project Description:** Reduction of Interior Side and Rear Yard Buffer Setback for Construction of New Shop Condos

STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses:** Buffer Yard provisions have historically been required between a GC zoned lot and Residential zoned lots.
- 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:** Article VIII.- Landscaping and Screening Standards: Sec. 62.562. – Purpose is to provide guidance on the development of sites within the City by addressing landscaping and screening requirements. They are designed to improve the appearance of the community, buffer potentially incompatible land use from one another, and conserve the value of properties within the City.

- E. Sec. 62-566. Bufferyard provisions. These provisions apply when use is established in a more intensive zoning.
- F. District (District A) adjacent to a less intensive zoning district (district B). Table 62-566-2. Depicts a District A GC Buffer Yard Requirements of 30(feet). District B is R1 & R2. Sec. 62 – 567. – Screening standards are required (a) in addition an opaque barrier is required (b).

Table I: Current Zoning and Use

ZONING	GC
FUTURE LAND USE MAP DESIGNATION	GC
GROSS SITE ACREAGE	1.46 Acres

Table II: Current Adjacent Land Use/Zoning

Direction	Zoning	Land Use
North	R2	Residential
East	GC	Commercial
South	R2	Residential
West	R1	Residential

Attachments:

- Provided in packet

MOTIONS:

*****Approval*****

*“I move the City of Dickinson Board of Adjustment recommend Approval of (**Buffer 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 (**Buffer 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

