

STARK COUNTY
PLANNING AND ZONING COMMISSION MEETING
STARK COUNTY COURTHOUSE COMMISSIONER'S ROOM

JULY 2, 2020

CALL TO ORDER-3:00 p.m.

1. Minutes
2. Public Hearing for RZ 01-20-Joshua and Chelsey Peterson are requesting a rezoning from Agriculture to Agricultural Residential on a property located in the NW ¼ of Section 13, Township 140. Range 95 containing approximately 20 acres.
3. Planner Items

Applications for the requests are available for public inspection at www.starkcountynd.gov

Any public hearings shall be commenced by the Chair of the Stark County Planning and Zoning Commission and each hearing shall continue until closed by the Chair.



**STARK COUNTY NORTH DAKOTA ZONING MAP
AMENDMENT APPLICATION-STANDARD REZONING**

Note: Please review the "What is Zoning" Rezoning Application Directions prior to filling out this application

DATE OF APPLICATION 5-18-2020

CURRENT ZONING Agriculture REQUESTED ZONING Residential

APPLICATION FEE: \$200

APPLICANT INFORMATION

Name Joshua & Chelsey Peterson

Address 10291 33rd St. SW

City Gladstone State ND Zip 58636

Phone No.: 701-290-9052 Fax No.: _____

E-mail Address: Chelsey_Jo17@yahoo.com

REPRESENTATIVE INFORMATION (IF APPLICABLE)

Name _____

Address _____

City _____ State _____ Zip _____

Phone No. _____ Fax No.: _____

E-mail Address: _____

PROPERTY OWNER INFORMATION IF DIFFERENT FROM THE APPLICANT

Name _____

Address _____

City _____ State _____ Zip _____

Phone No. _____ Fax No. _____

**STARK COUNTY NORTH DAKOTA ZONING MAP
AMENDMENT APPLICATION-STANDARD REZONING**



E-mail Address Chelsey-Jo17@yahoo.com

PROPERTY INFORMATION

Property Size: 20 acres

Address: _____

City _____ State _____ Zip _____

Legal Description as it appears on stark.northdakotaassessors.com:
NW 14 of Section 13, Township 140 North, Range 95 West.

Parcel Identification Number as it appears on stark.northdakotaassessors.com:
23-0000-03389-100

Please describe the proposed rezoning and the reason for the request. We would like to rezone from Ag. to Residential to build our home on the land.

What uses are proposed for the property?
Building a home

What buildings or structures are proposed for the property? House + garage

APPLICANT REQUESTS AN INITIAL REVIEW BY STARK COUNTY STAFF, A PUBLIC HEARING BEFORE THE COUNTY PLANNING AND ZONING COMMISSION, AND THE APPROVAL OF THE AMENDMENT REQUESTED HEREIN.

SIGNATURES

Chelsey Patton Josh Patton 5-18-2020
Applicant/Representative Signature and Date

[Signature] 6/11/2020
Owner's Signature and Date

[Signature]
Zoning Administrator or Designee and Date



RETURN TO:
QUEEN CITY ABSTRACT,
TITLE & ESCROW INC.
257 1st STREET EAST, SUITE 2
DICKINSON, ND 58601



Kimberly Kasian

3157502
04/13/2020 04:22:41 PM Page: 1 of 2
Warranty Deed \$20.00 Queen City Abstract
Kimberly Kasian, Stark County, ND Recorder



WARRANTY DEED (JOINT TENANCY)

THIS INDENTURE, Made this 13 day of APRIL, 2020, between KATHLEEN R. BIEL, a single person, Grantor, and JOSHUA D. PETERSON and CHELSEY PETERSON of 10291 33rd St. SW Gladstone, ND 58650 Grantees.

WITNESSETH, For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor does hereby GRANT, BARGAIN, SELL and CONVEY to the said Grantees, as joint tenants with right of survivorship, the following real property lying, to-wit:

A TRACT OF LAND LYING IN THE NW1/4 OF SECTION 13, TOWNSHIP 140 NORTH, RANGE 95 WEST OF THE 5TH P. M., STARK COUNTY, NORTH DAKOTA., more particularly described as follows:

Beginning at the Northwest corner of said section 13; thence S89°57'30"E along the North line of said Northwest Quarter (NW1/4) a distance of 933.43 feet; thence S0°00'11"E a distance of 933.36 feet; thence N89°57'36"W a distance of 934.06 feet to a point on the West line of said Northwest Quarter (NW1/4); thence N0°02'08"E along the West line of said Northwest Quarter (NW1/4), a distance of 933.38 feet to the point of beginning.

Reserving all oil, gas and other minerals, together with the rights of ingress and egress.

I certify that the full consideration paid for the property described in this Deed is \$60,000.00.

Signed: *John Peterson* Date: 4/13/20
Grantee or Agent

And the said Grantor for herself, her heirs, executors and administrators, does covenant with the Grantees that she is well seized in fee of the land and premises aforesaid and has good right to sell and convey the same in manner and form aforesaid, that the same is free from all encumbrances, subject to easements, reservations, covenants and conveyances of record, and the above granted lands and premises in the quiet and peaceable possession of said Grantees, against all persons lawfully claiming or to claim the whole or any part thereof, the said Grantor will warrant and defend.

WITNESS, The hand of the Grantor:

Kathleen R. Biel
Kathleen R. Biel

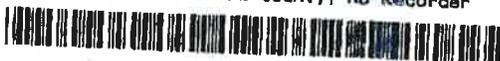
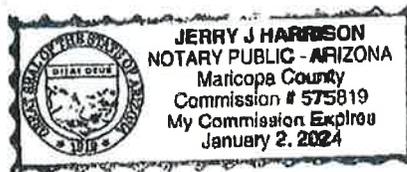


STATE OF ARIZONA)
COUNTY OF MARICOPA) ss.

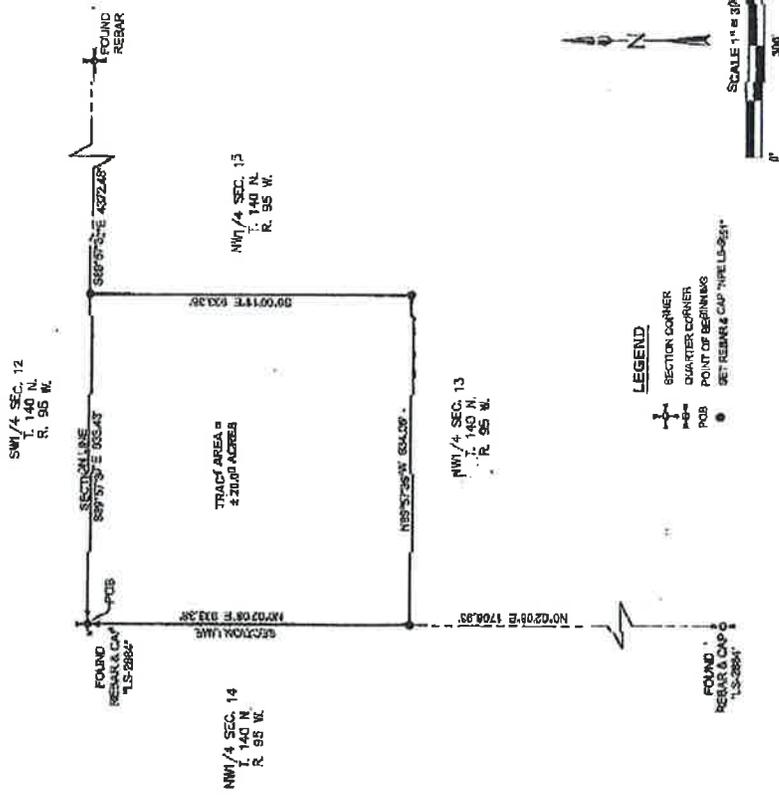
On this 9th day of APRIL, 2020, before me, personally appeared Kathleen R. Biel, a single person, known to me to be the person who is described in, and who executed the within and foregoing instrument, and acknowledged to me that she executed the same.

Jerry J. Harrison
_____, Notary Public
State of ARIZONA
My Commission Expires: 01/02/2024

Auditor's Office, Stark Co., N.D.
Taxes and Special Assessments paid and Transfer Accepted
Date 4-13-2020
By Kay Haas CO. AUDITOR
Nicole Roberts Deputy



SURVEY PLAT
NW1/4 OF SECTION 13
TOWNSHIP 140 NORTH, RANGE 95 WEST, 5TH P.M.
STARK COUNTY, NORTH DAKOTA



BOUNDARY DESCRIPTION

A TRACT OF LAND LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 13, TOWNSHIP 140 NORTH, RANGE 95 WEST OF THE 6TH P.M., STARK COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE S89°57'57\"/>

SAID TRACT CONTAINS 20.00 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

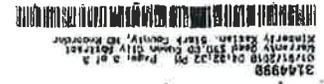
1. SURVEY REQUESTED BY KATHLEEN R. BIEL.
- SURVEYOR'S CERTIFICATE**
 I, JEREMY WOOD, REGISTERED LAND SURVEYOR, N.D. NO. 5661, DO HEREBY CERTIFY THAT THE SURVEY PLAT SHOWN HEREON WAS MADE BY ME, OR UNDER MY DIRECTION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



NORTHERN PLAINS ENGINEERING

SURVEY PLAT
 TRACT SURVEY
 STARK COUNTY, ND
 Sec. 13, T. 140 N., R. 95 W.

PROJECT NO.	DATE	NUMBER	SHEET NO.
100001	11/18/18	100001	1 OF 1



3.8 Residential Development

No lot in a residential zoning district shall contain more than one principal single-family residential building, and no dwelling unit shall be built on a lot which does not abut a dedicated public right-of-way or private access easement. ~~Accessory buildings shall be smaller than the principal building and shall be limited to fifteen (15) feet in height and be located at least ten (10) feet from all lot lines.~~

ZONING DISTRICT REGULATIONS

5.1 5.1 Agriculture District: Purpose

The Agricultural District is established to encourage preservation and protection of agricultural lands and the ideal of the family farm and to discourage uses incompatible with agricultural operations or detrimental to agricultural lands.

Development Standards

- 1) Minimum lot size: 40 acres
- 2) Minimum lot width: 300 feet
- 3) Minimum front yard setbacks: 50 feet
- 4) Minimum side yard setbacks: 15 feet
- 5) Minimum rear yard setbacks: 50 feet
- 6) Maximum lot coverage: N/A
- 7) Maximum height: 35 feet for residential structures
- 8) Residential Detached Accessory Structures
 - i. Minimum front yard setback: 50 feet
 - ii. Minimum side yard setback: 10 feet
 - iii. Minimum rear yard setback: 10 feet

5.2 Agricultural Residential: Purpose

It is the purpose of this district to protect farmland and related farming activities while providing for the development of large lot residential housing.

Development Standards

- 1) Minimum lot size: 10 acres
- 2) Minimum lot width: 150 feet
- 3) Minimum front yard setbacks: 50 feet
- 4) Minimum side yard setbacks: 15 feet
- 5) Minimum rear yard setbacks: 50 feet
- 6) Maximum lot coverage: N/A
- 7) Maximum height: 35 feet for residential structures
- 8) Attached Accessory Structures: in a platted subdivision the square footage of an attached accessory structure shall not exceed 1.5 times the footprint of the attached dwelling unit. The height of an attached accessory structure shall not exceed the height of the attached dwelling unit. The outward appearance of the attached garage shall match the outward appearance of the attached dwelling unit. An accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.
- 9) Residential Detached Accessory Structures
 - i. Minimum front yard setback: 50 feet
 - ii. Minimum side yard setback: 10 feet
 - iii. Minimum rear yard setback: 10 feet
 - iv. Maximum height: 25 feet or the height of the principal residential structure, whichever is less.
 - v. Maximum building area in a platted subdivision: five (5) per cent of the total lot area

In a platted subdivision the exterior of a detached accessory structure larger than 250 square feet shall generally match the exterior of the principal residential structure.

No detached accessory structure can be constructed on any residential lot without either an existing principal residential structure or a principal residential structure that is under construction

5.3 Rural Residential: Purpose

The rural residential district is established to promote a suitable residential environment uninterrupted by conflicting uses and incompatible activities in unincorporated communities.

Development Standards

- 1) Minimum lot size: five (5) acres
- 2) Minimum lot width: one hundred fifty (150) feet
- 3) Minimum front yard setbacks: fifty (50) feet
- 4) Minimum side yard setbacks: fifteen (15) feet
- 5) Minimum rear yard setbacks: fifty (50) feet
- 6) Maximum lot coverage: N/A
- 7) Maximum height: thirty-five (35) feet for residential structures
- 8) Attached Accessory Structures: in a platted subdivision the square footage of an attached accessory structure shall not exceed 1.5 times the footprint of the attached dwelling unit. The height of an attached accessory structure shall not exceed the height of the attached dwelling unit. The outward appearance of the attached garage shall match the outward appearance of the attached dwelling unit. An accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.
- 9) Residential Detached Accessory Structures
 - i. Minimum front yard setback: 50 feet
 - ii. Minimum side yard setback: 10 feet
 - iii. Minimum rear yard setback: 10 feet
 - iv. Maximum height: 25 feet or the height of the principal residential structure, whichever is less.
 - v. Maximum building area in a platted subdivision: five (5) per cent of the total lot area

In a platted subdivision the exterior of a detached accessory structure larger than 250 square feet shall generally match the exterior of the principal residential structure.

No detached accessory structure can be constructed on any residential lot without either an existing principal residential structure or a principal residential structure that is under construction

5.4 Estate Residential District: Purpose

The estate residential district is established to promote single-family residential development immediately adjacent to existing unincorporated residentially-zoned communities consisting of lots that are less than five (5) acres in area. Application of the estate residential district shall be limited to properties within one mile of the following highway corridor:

- Highway 10 East from Lehigh Drive to 102st Avenue SW.

The ability to rezone properties to the Estate Residential Zoning District shall be restricted to properties located on the map maintained by the Stark County Zoning Administrator.

Development Standards

- 1) Minimum lot size: 2 acres
- 2) Minimum lot width: 100 feet
- 3) Minimum front yard setbacks: 40 feet
- 4) Minimum side yard setbacks: 15 feet
- 5) Minimum rear yard setbacks: 25 feet
- 6) Maximum lot coverage: 30 percent
- 7) Maximum height: 35 feet for residential structures
- 8) Attached Accessory Structures: in a platted subdivision the square footage of an attached accessory structure shall not exceed 1.5 times the footprint of the attached dwelling unit. The height of an attached accessory structure shall not exceed the height of the attached dwelling unit. The outward appearance of the attached garage shall match the outward appearance of the attached dwelling unit. An accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.

9) Residential Detached Accessory Structures

- i. Detached accessory structures shall not be constructed in the front yard in a platted subdivision.
- ii. Minimum side yard setback: 10 feet
- iii. Minimum rear yard setback: 10 feet
- iv. Maximum height: 25 feet or the height of the principal residential structure, whichever is less.
- v. Maximum building area in a platted subdivision: five (5) per cent of the total lot area

In a platted subdivision the exterior of a detached accessory structure larger than 250 square feet shall generally match the exterior of the principal residential structure.

No detached accessory structure can be constructed on any residential lot without either an existing principal residential structure or a principal residential structure that is under construction

ACCESSORY DWELLING UNIT DRAFT

Accessory dwelling unit means a second dwelling unit on a residential lot added onto, created within or detached from an existing single-family detached dwelling for use as a completely independent or semi-independent unit with provisions for cooking, eating, sanitation and sleeping.

- **Accessory dwelling unit requirements.**

The accessory dwelling unit shall be subject to approval of a conditional use permit.

The accessory dwelling shall be located on a conforming residential lot. A minimum lot area of 60,000 square feet shall be required.

The owner of the accessory dwelling unit must reside on the lot in either the principal residence or the accessory dwelling unit.

A detached accessory dwelling unit shall only be allowed in either the side yard or the rear yard.

A detached accessory dwelling unit shall be located within one hundred fifty feet of the principal residence or shall be a conversion of an existing detached structure (i.e. garage).

The accessory dwelling unit area shall not exceed eighty percent of the square footage of the habitable area of the primary residence or 1,500 square feet, whichever is smaller.

The accessory dwelling unit shall meet minimum setback requirements for the zoning district.

All applicable health department standards for water and sewer must be met by the accessory dwelling unit.

No recreational vehicle shall be allowed as an accessory dwelling unit.

One accessory dwelling unit is allowed on any residential property less than 40 acres. Two accessory dwelling units are allowed on residential properties 40 acres or larger.

An additional off-street parking space shall be provided for the accessory dwelling unit.

A title notice will be placed on the property which generally states the accessory dwelling located on the property may not be sold as a separate residence until such time as the accessory dwelling is located as the sole residence on a legally subdivided parcel.