

STARK COUNTY

PLANNING AND ZONING COMMISSION MEETING

MAY 28, 2020

CALL TO ORDER-3:00 p.m.

1. Minutes
2. Public Hearing for VAR 03-20-Michael Ballard is requesting a variance to the maximum square footage requirement for an accessory structure and a variance to allow an accessory structure in the front yard, and a variance for the maximum height of an accessory structure. The property is located at 10383 35R Street SW on Lot 1 Block 1 of Green River Estates Subdivision and is approximately 26.30 acres.
3. Public Hearing-CUP 01-20 Glenn and Stacey Koffler are requesting a conditional use permit for a kennel on a property located in the SE ¼ of Section 33, Township 140, Range 95 containing approximately 40.13 acres.
4. Planner Items

Due to the current health emergency this public meeting will be held by way of a conference call. To participate please call the telephone number listed below, and, when prompted, enter the participant code.

Telephone Number: (701)227-7450

Participation Code: 883238#

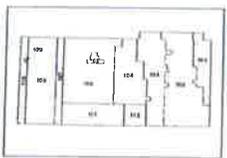
Applications for the requests are available for public inspection at www.starkcountynynd.gov

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.

5/28/2020 PAZ meeting

Stark County Address Map

911 Emergency System



Stark County ESZ Boundaries

Map Elements

Road	Railroad
Highway	Canal
Interstate	State Lane
County Road	Parish
Unimproved Road	Stream / Runway
Water	Dam / Embankment
GNIS	Lake
Airport	
Cemetery	
Cave	
Cultural	
Range	
Survey	
USGS	
State Park	



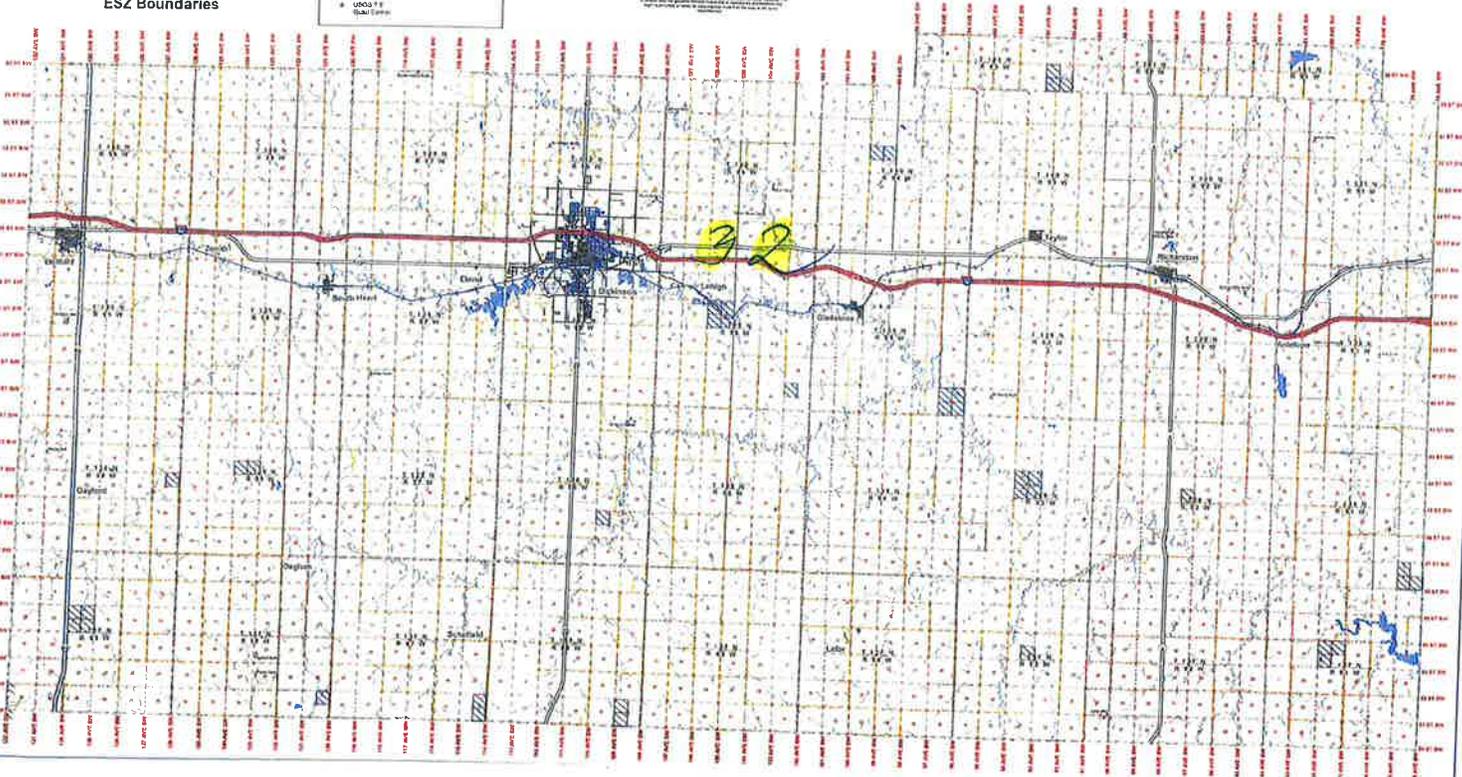
1:205,920

1 inch represents approx. 3.25 miles

Map prepared by Kadmas, Lee & Jackson, Inc. for Stark County, Ohio. All rights reserved. No part of this map may be reproduced without the written permission of Kadmas, Lee & Jackson, Inc.



Kadmas
Lee &
Jackson
Surveyors
INC.



VAR 33-20

APPLICATION FOR VARIANCE



I, Michael Ballard, hereby apply for a variance to the provisions of the Stark County Zoning Ordinance due to personal hardships resulting from unique conditions affecting the following property:

10383 35R St SW Dickinson ND 58601

Lot 1, Block 1, Green River Estates Subdivision Lying in the SE 1/4 of section 34 and the SW 1/4 of section 35, Township 140 North, Range 95 West.

(1) Please state the variance requested:

(701-872-6032)

- 1) Build in front of residence
- 2) over 15' in height 26ft
- 3) Over square footage allowed under current ordinances
5,160 sq ft

(2) Please state the unique characteristics or situation relative to the land or structures in question which make a variance necessary:

The topography of our lot does not allow us to build behind our residence. Topography is too steep and also in flood plain.

(3) Please state the nature of applicant's hardship:

No other feasible option due to topography of lot. Need 86' x 60' with 18ft side walls to have adequate space for agriculture Equipment, recreational and personal items.

Prefer inside storage to keep item protected
and residence looking clean and organized.

(4) Will the project as proposed create any special privilege for the applicant or harm or endanger the health, safety, or welfare of the general public?



No

(5) State any specific height, lot size, setback, parking, street access, screening, or excavating conditions requested:

House peak is 22ft. The shop peak will be 26ft.
The shop will be located 300ft from house making
the height difference unnoticeable. Our property
is 26 acres and we also own the property next to
us that is 18 acres. (see attached map)

Applicant requests an initial review by the Stark County Zoning Administrator, a public hearing before the County Zoning Board, and the approval of the variance requested herein.

Michael Balbon
(Applicant)

Application accepted
and initially reviewed

[Signature] 5/7/2020
(Zoning Administrator)

List additional information on third page.

Jeremy Wood

Kyle Kuntz

Jason Hurt

Also own 18 Acre Lot

Build Site

26 Acre Lot

781 ft

RECEIVED
MAY 03 2020
By _____

3D

+

100%

Camera: 1,470 m 46°53'42"N 102°38'05"W 721 m

As a neighbor to Michael Ballard 10383 35R St SW, we have no objection to his request for a variance to build a 60ft X 86ft shop with 18ft side walls at the location shown on his application.

Jason Hurt

10380 35R ST SW

Dickinson ND 58601



Date

4/30/2020

Jeremy Wood

10389 35R ST SW

Dickinson ND 58601



Date

4/30/20

Kyle Kuntz

10384 35R ST SW

Dickinson ND 58601



Date

4/28/20



This is a "printer friendly" page. Please use the "print" option in your browser to print this screen.



Stark County Auditor Treasurer, ND

Zoning Fee Application

Confirmation Number: 269899
Payment Date: Monday, May 4, 2020
Payment Time: 10:16AM PT

Payer Information

Name: MICHAEL BALLARD
Street Address: 10383 35R ST SW
 DICKINSON, ND 58601
 United States
Daytime Phone Number: (701) 872 - 6032
E-mail Address: mballard@ndsupernet.com
Permit Number: VARIANCE APPLICATION

Card Information

Card Type: Visa
Card Number: *****5008

Payment Information

Payment Type: Zoning Fee Application
Payment Amount: \$200.00
Convenience Fee: \$5.95
Total Payment: \$205.95



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5/7/2020

Stark County Tax Director



Parcel Information

PID	23391003522010
Links	Photo #1 Photo #2
Deed	BALLARD, MICHAEL & TAMI
Property Address	10383 35R ST SW
Legal	GREEN RIVER ESTATES L1 B1 35-140-95 26.30 ACRES

Current Value Information

Land Value	Dwelling Value	Improvement Value	Total Value
\$46,500	\$462,400	\$0	\$508,900



Prior Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2018	\$46,500	\$462,400	\$0	\$508,900
2017	\$46,500	\$467,300	\$0	\$513,800
2016	\$46,500	\$472,200	\$0	\$518,700
2015	\$46,500	\$458,500	\$0	\$505,000
2014	\$46,500	\$434,000	\$0	\$480,500

Photo



DEED RECORD FILE - Edition Date: 01/01/2017 - File No: 23391003522010

Owner: Ballard, Michael & Tami
 Legal Description: 35-140-95-26.30 ACRES, GREEN RIVER ESTATES L1 B1
 Physical Address: 10383 35R ST SW, STARK COUNTY, IA 52244

STORY HEIGHT: <input type="checkbox"/> 1-4 ft <input type="checkbox"/> 5-10 ft <input type="checkbox"/> 10-15 ft <input type="checkbox"/> 15-20 ft <input type="checkbox"/> 20-25 ft <input type="checkbox"/> 25-30 ft <input type="checkbox"/> 30-35 ft <input type="checkbox"/> 35-40 ft <input type="checkbox"/> 40-45 ft <input type="checkbox"/> 45-50 ft <input type="checkbox"/> 50-55 ft <input type="checkbox"/> 55-60 ft <input type="checkbox"/> 60-65 ft <input type="checkbox"/> 65-70 ft <input type="checkbox"/> 70-75 ft <input type="checkbox"/> 75-80 ft <input type="checkbox"/> 80-85 ft <input type="checkbox"/> 85-90 ft <input type="checkbox"/> 90-95 ft <input type="checkbox"/> 95-100 ft <input type="checkbox"/> 100-105 ft <input type="checkbox"/> 105-110 ft <input type="checkbox"/> 110-115 ft <input type="checkbox"/> 115-120 ft <input type="checkbox"/> 120-125 ft <input type="checkbox"/> 125-130 ft <input type="checkbox"/> 130-135 ft <input type="checkbox"/> 135-140 ft <input 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<input type="checkbox"/> 695-700 ft <input type="checkbox"/> 700-705 ft <input type="checkbox"/> 705-710 ft <input type="checkbox"/> 710-715 ft <input type="checkbox"/> 715-720 ft <input type="checkbox"/> 720-725 ft <input type="checkbox"/> 725-730 ft <input type="checkbox"/> 730-735 ft <input type="checkbox"/> 735-740 ft <input type="checkbox"/> 740-745 ft <input type="checkbox"/> 745-750 ft <input type="checkbox"/> 750-755 ft <input type="checkbox"/> 755-760 ft <input type="checkbox"/> 760-765 ft <input type="checkbox"/> 765-770 ft <input type="checkbox"/> 770-775 ft <input type="checkbox"/> 775-780 ft <input type="checkbox"/> 780-785 ft <input type="checkbox"/> 785-790 ft <input type="checkbox"/> 790-795 ft <input type="checkbox"/> 795-800 ft <input type="checkbox"/> 800-805 ft <input type="checkbox"/> 805-810 ft <input type="checkbox"/> 810-815 ft <input type="checkbox"/> 815-820 ft <input type="checkbox"/> 820-825 ft <input type="checkbox"/> 825-830 ft <input type="checkbox"/> 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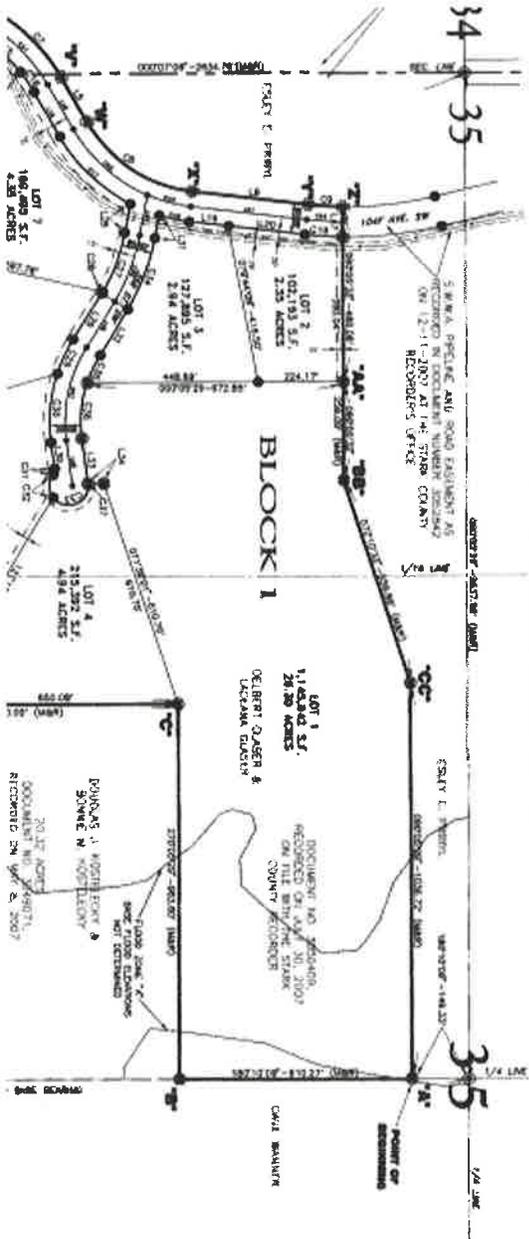


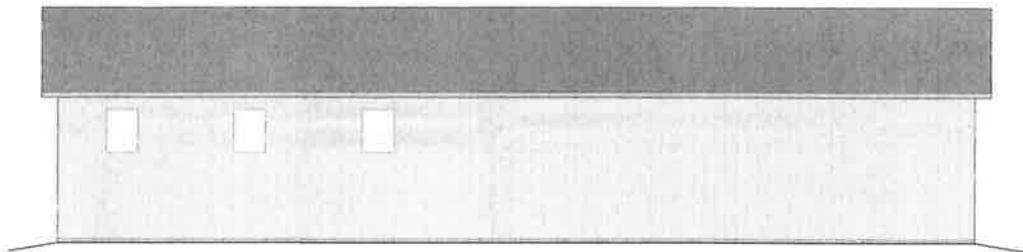
RECEIVED
MAY 05 2020
By 



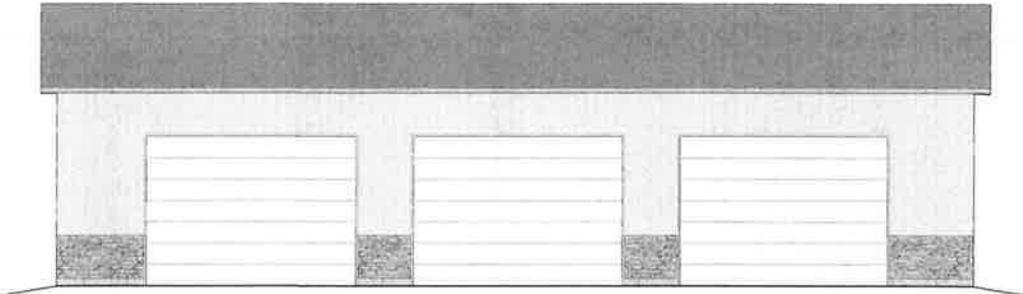
FINAL PLAT
OF
GREEN RIVER ESTATES SUBDIVISION

LYING IN THE
SOUTHEAST QUARTER OF SECTION 34 AND SOUTHWEST QUARTER OF SECTION 35
TOWNSHIP 140 NORTH, RANGE 96 WEST, 5TH P.M.,
STARK COUNTY, NORTH DAKOTA



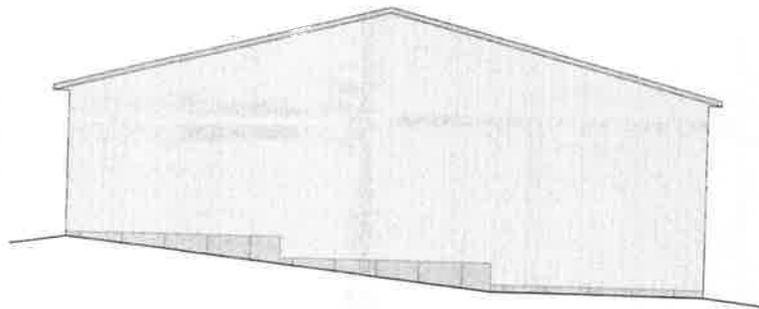


REAR ELEVATION
SCALE: 1/4" = 1'-0"

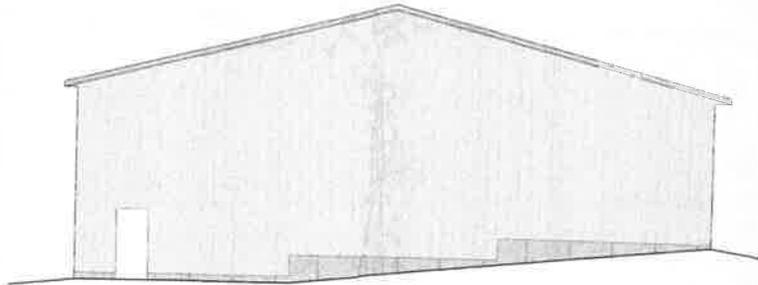


FRONT ELEVATION
SCALE: 1/4" = 1'-0"





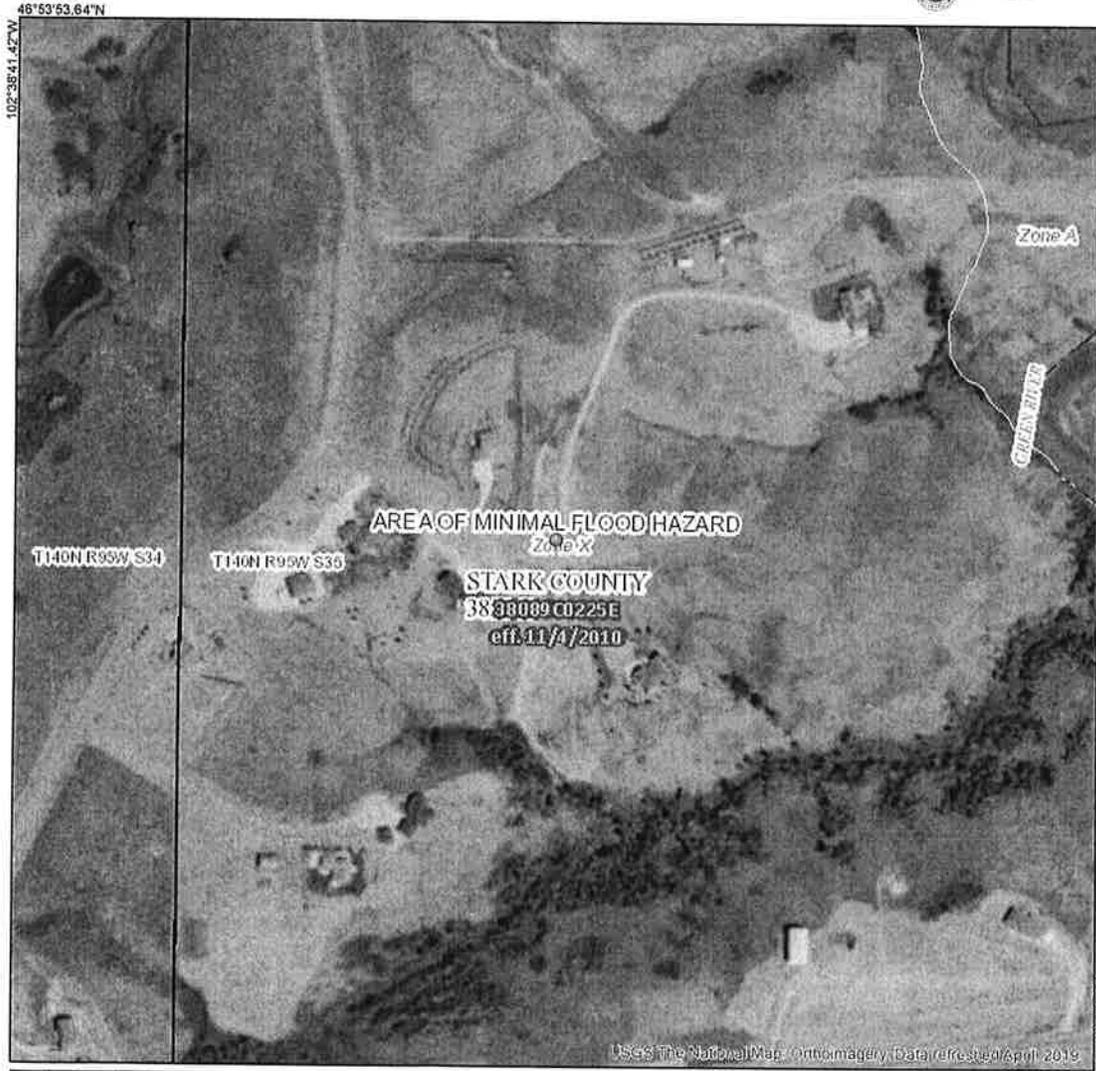
LEFT ELEVATION
1/8" = 1'-0"



RIGHT ELEVATION
1/8" = 1'-0"



National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zones AE, AO, AH, VE, AP</i>
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone A</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes, <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>

OTHER AREAS		Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs

GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline

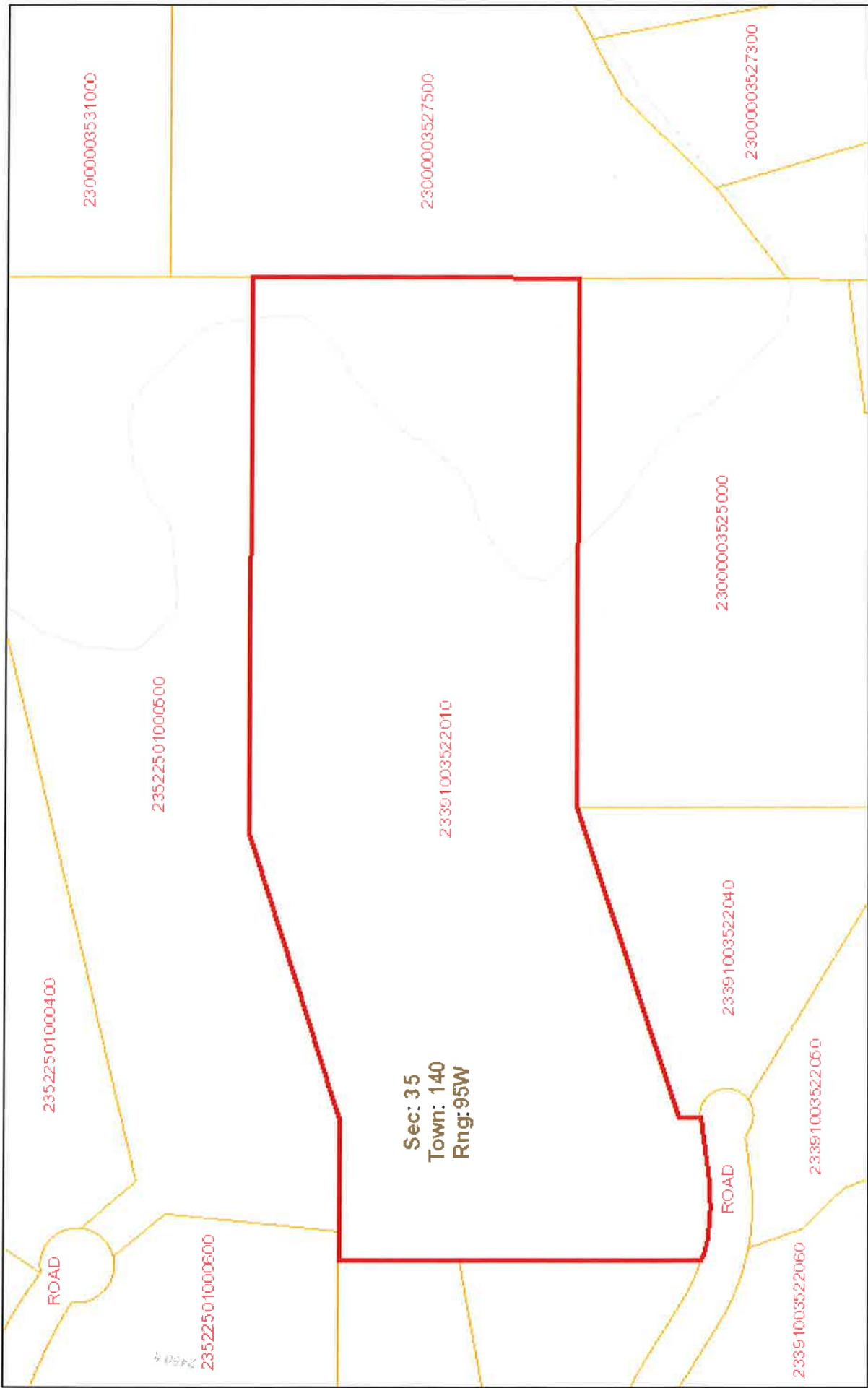
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/7/2020 at 12:02:51 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

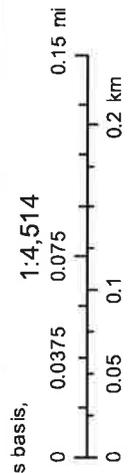
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

May 7, 2020

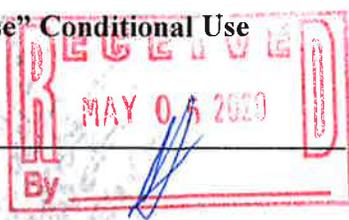
-  Parcels
-  Sections



CUP 01-20

CONDITIONAL USE PERMIT APPLICATION STARK COUNTY NORTH DAKOTA

Note: Please review the Stark County "What Is a Conditional Use" Conditional Use Directions prior to filling out this application.



DATE OF APPLICATION 5/5/2020

CURRENT ZONING Agricultural

REQUESTED CONDITIONAL USE Dog Boarding Facility
Training/Grooming

APPLICATION FEES:	Agricultural CUPS	\$200
	Residential CUPS	\$200
	Commercial and Industrial CUPS	\$500
	Mobile Home CUPS	\$500
	RV, Tourist and Trailer Camps CUPS	\$500
	Temporary Use Permits (TUPS)	\$500
	Temporary Crew Housing CUPS	\$1000
	Wind Energy Facilities CUPS	\$1000
	Renewals/Extensions	\$200

APPLICANT INFORMATION

Name Glen + Stacey Koffler

Address 10525 Hwy 10

City Dickinson State ND Zip 58601

Phone No.: 701 290-1492 Fax No.: _____

E-mail Address: dakotasky.nd@gmail.com

REPRESENTATIVE INFORMATION (IF APPLICABLE)

Name _____

Address _____

City _____ State _____ Zip _____

Phone No. _____ Fax No.: _____

E-mail Address: _____

**CONDITIONAL USE PERMIT APPLICATION
STARK COUNTY NORTH DAKOTA**

PROPERTY OWNER INFORMATION IF DIFFERENT FROM THE APPLICANT

Name _____

Address _____

City _____ State _____ Zip _____

Phone No. _____ Fax No. _____

E-mail Address _____



PROPERTY INFORMATION

Property Size: 40.13 acres

Address: 10525 Hwy 10

City Dickinson State ND Zip 58601

Legal Description as it appears on stark.northdakotaassessors.com:

Tract in SE4 33-140-95

Parcel Identification Number as it appears on stark.northdakotaassessors.com:

23-0000-03503-050

CONDITIONAL USE PERMIT INFORMATION

Please answer the following questions. You may submit a written statement on a separate piece of paper and submit it with the completed application form.

Please describe the proposed conditional use and the reason for the request

Dog boarding, training, grooming facility. We will build a facility that will give us adequate space to provide the above services. It will be built to ensure the comfort and safety of all animals

What uses are proposed for the property?

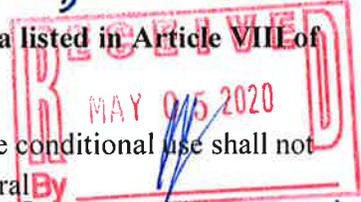
Boarding, daycare, training, and grooming dogs.
We will follow all AKC boarding standards

CONDITIONAL USE PERMIT APPLICATION
STARK COUNTY NORTH DAKOTA

What buildings or structures are proposed for the property? New Construction

40 x 80 ft pole construction with 10ft awning. Building will be finished with heat, plumbing, electricity, septic system, water and concrete floor.

The following questions address the Conditional Use Permit criteria listed in Article VIII of the Stark County Zoning Ordinance.



Please describe how the establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort or general welfare.

Due to the fact that we own a total of 45 acres in addition to substantial distance from surrounding homeowners, we do not feel that our proposed business will affect health, safety or comfort to the general public. Bordering properties are zoned agricultural.

Please describe how the proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.

All dogs will be contained within the insulated building between the hours of 7am and 9pm at the latest as they will be inside earlier during the dark winter months. We will be using a strict cleaning and sanitizing schedule to eliminate odors and maintain an impossibly clean building and environment. All waste will be disposed of daily.

Please show how the proposed conditional use shall not impede the normal orderly development of the surrounding property.

All county zoning guidelines will be followed as to not obstruct use or development of any surrounding property.

Please indicate how adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.

We will utilize existing and established roads on our property. A complete septic system will be installed. Existing SW Water will service the facility. Additional electrical service will be installed via Roughrider Electrical.

**CONDITIONAL USE PERMIT APPLICATION
STARK COUNTY NORTH DAKOTA**

Please show what adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.

An existing private road and approach will provide ingress and egress to our facility. A rural public highway (hwy 10) will provide access to our private road. Due to the minimal amount of vehicles in and out, our business should in no way adversely affect adjoining properties. Ample, safe parking will be provided.

Please indicate how the proposed conditional use shall conform to all applicable regulations of the district within which it is located.

We will abide by all county regulations as to setback and building restrictions. We will work very closely with our contractor, whom is very familiar with said regulations, to ensure all guidelines are met.

SIGNATURES

[Signature] 5/5/2020

Applicant/Representative Signature and Date

[Signature] 5/5/2020

Owner's Signature and Date

[Signature]

5/7/2020

Zoning Administrator's or Designee's Signature and Date



Steve Josephson

From: Stacey Schiff <stacey@ndsupernet.com>
Sent: Tuesday, May 5, 2020 9:50 PM
To: Steve Josephson
Subject: RE: Conditional Use Permit Application

Hello Steve,

Below is the information you requested...please let me know if any additional information is needed

Our hours of operation will be 7am to 7pm with exception to individually made appointments if a client chooses drop off or pickup outside of our regular hours. This will be done only if necessary.

We will have up to 20 indoor/outdoor runs. The dogs will be confined to indoors no later than 9pm. However, considering the length of winter and darkness, the 9pm hour will be very seasonal.

We also plan to have up to 20 inside, small dog kennels. These dogs will only be out per supervision.

For the fact that some owners will have more than one dog, we will allow 2 dogs per large run upon owner's request.

We will limit total dog count to 50 if the situation were to occur. Only 1 dog will be allowed per small, indoor kennel.

All dogs will have access to turnout and exercise daily in a secured, supervised area. We will have the option, at owner's request for additional walks and free time.

This will be an owner operated facility with potential of 2 part time and possibly 1 full time employee as business allows.

We may add obedience/training classes to be held on sight in the future.

Sent from Mail for Windows 10

Sent: Tuesday, April 14, 2020 11:30 AM

To: stacey@ndsupernet.com

Cc: [Nicole Roberts](#)

Subject: Conditional Use Permit Application



Stacey,

Here's some information for you to look over.

The application fee for a kennel on a piece of Agriculture zoned property is \$200.

If you look at the Heim Kennel staff report some of the conditions of approval were specific to her project. She provided information regarding the hours of operation as well the number and size of the dogs she would board.

Please let me know if you have questions.

Steve

Our mission is to provide Dickinson and the surrounding area with a boarding facility that will offer services above and beyond a facility that simply “houses” your pet while you are away from home. Our kennel will be built to house various sizes and breeds of dogs in a comfortable environment that best suits them on an individual basis. We have a passion for dogs and want to provide a place that they are happy to come to as well as have their owners comfortable with the care they will receive when they cannot provide that themselves.



23-0000-03503-200

UNKNOWN

23-0000-03503-150

23-0000-03503-050

40x80
10 ft awning

Parking

Front and rear will be
more than 50ft from property border
South side will be a minimum
of 15 ft from property border

23-0000-03503-100

RECEIVED
MAY 05 2020
By _____

, DICKINSON

Rural / Ag Land
Legal: TRACT IN SE4 33-140-95 40.13

Deed: SCHIFF, STACEY
Contract:
CID#: DBA:
MLS:

Map Area: 140-95 AG
Route: 000-000-000
Tax Dist: 23010*10000
Plat Page:
Subdiv: UNKNOWN

Checks/Tags:
Lister/Date:
Review/Date:
Entry Status:



Date	\$ Amount	Sales	NUTC	Recording	Date	Number	Building Permits	Zoning	Land			Type	Appraised	Land Use	Values	Pr Yr: 2018
									Dept/unit	EFFType	Qual/Land					
								AGRICULTURAL								
					8/27/2018		Y	\$0	New Dwig			Land				
												LandC				
												Dwig				
												Impr				
												Total	\$18,900			\$19,300

Prior Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
2018	CERTIFIED VALUE AFTER COUNTY BOE	Appr	Rural	Ag Land	\$19,300	\$0	\$0	\$0	\$19,300
2017	CERTIFIED VALUES AFTER STATE BOARD	Appr	Rural	Ag Land	\$18,900	\$0	\$0	\$0	\$18,900
2016	CERTIFIED AFTER COUNTY BOARD 6-7-16	Appr	Rural	Ag Land	\$18,500	\$0	\$0	\$0	\$18,500
2015	CERTIFIED VALUE AFTER COUNTY BOARD	Appr	Rural	Ag Land	\$17,600	\$0	\$0	\$0	\$17,600
2014	AFTER EQUALIZATION MEETING JUNE 2014	Appr	Rural	Ag Land	\$16,000	\$0	\$0	\$0	\$16,000
2013	AFTER EQUALIZATION MEETING 6-27-13	Appr	Rural	Ag Land	\$14,000	\$0	\$0	\$0	\$14,000
2012	AFTER EQUALIZATION MEETING	Appr	Rural	Ag Land	\$12,400	\$0	\$0	\$0	\$12,400
2011	AFTER EQUALIZATION MEETING	Appr	Rural	Ag Land	\$9,900	\$0	\$0	\$0	\$9,900



56

30

POLE BARN
[1680]

STARK COUNTY AUDITOR

PO Box 130
Dickinson, ND 58602



*** ORIGINAL RECEIPT ***

Clerk: Helen
Batch Number: 20200505-000047

Receipt#	Trans Date	Clerk	Batch#	Receipt Type	Receipt Total
13823	05/06/2020	hrebel	20200505-000047	MISC	200.00
Received Of			On Account Of		
DAKOTA SKY PUDELPOINTERS			CUP APPLICATION		
Line#	PT	Account	Description	Amount	
1	G	1000.3222.000	CONDITIONAL USE PERMITS	200.00	

Payment Type	Doc#	Description	Amount
CHECK	01134	DAKOTA SKY PUDELPOINTERS GLEN A OR STACEY L KOFFLER 10525 HIGHWAY 10 DICKINSON ND 58601	200.00



Parcel Information

PID	23000003503050
Links	Photo #1 Photo #2
Deed	SCHIFF, STACEY
Property Address	
Legal	TRACT IN SE4 33-140-95 40.13 ACRES

Current Value Information

<u>Land Value</u>	<u>Dwelling Value</u>	<u>Improvement Value</u>	<u>Total Value</u>
\$18,900	\$0	\$0	\$18,900

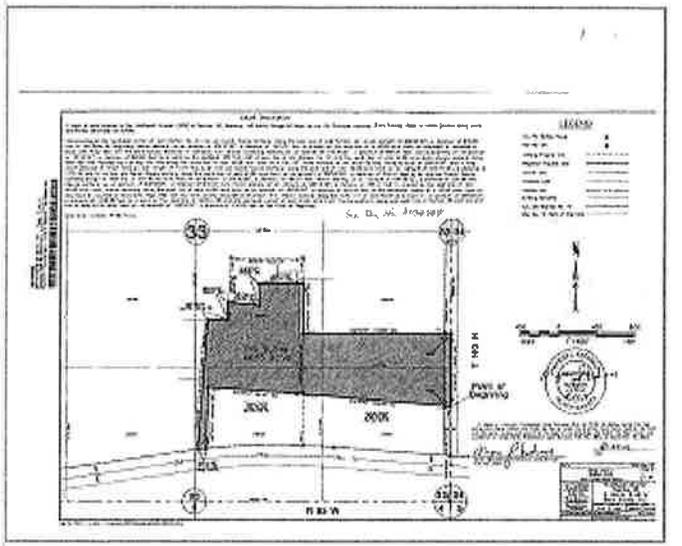
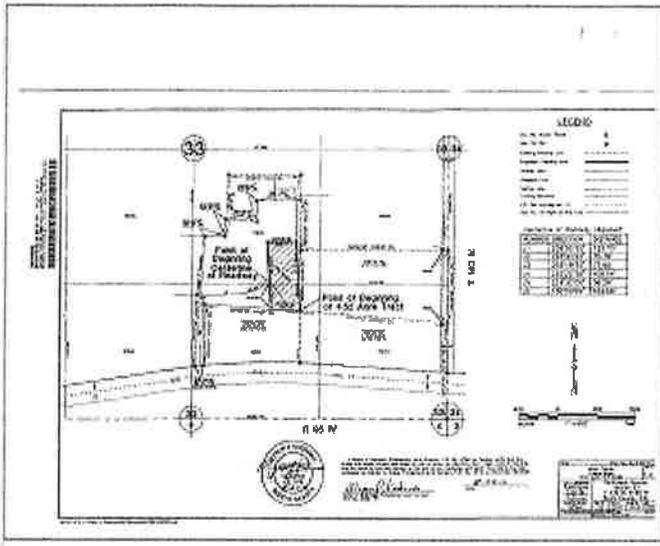
Prior Year Value Information

<u>Year</u>	<u>Land Value</u>	<u>Dwelling Value</u>	<u>Improvement Value</u>	<u>Total Value</u>
2018	\$19,300	\$0	\$0	\$19,300
2017	\$18,900	\$0	\$0	\$18,900
2016	\$18,500	\$0	\$0	\$18,500
2015	\$17,600	\$0	\$0	\$17,600
2014	\$16,000	\$0	\$0	\$16,000

Agricultural Land Information

<u>Soil Code</u>	<u>Soil Desc</u>	<u>Landuse</u>	<u>Unit Value</u>	<u>Acres</u>	<u>Total Value</u>
ARB	ARNEGARD LOAM GENTLY SLOPING		\$750.00	5	\$3,750.00
BOB	BELFIELD RHOADES LOAMS GENTLY SLOPING		\$355.00	4	\$1,420.00
FM	FLASHER COMPLEX		\$199.00	5	\$995.00
VPB	VEBAR PARSHALL FINE SANDY LOAMS UNDULATING		\$480.38	26	\$12,490.00

Photo





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May 7, 2020

-  Parcels
-  Sections