



Burleigh County Planning and Zoning Commission Meeting Agenda

Tom Baker Meeting Room, City/County Building, 221 5th Street N,
Bismarck, ND



5:15pm

Attend in Person || Watch Live on Government Access Channels 2 or 602 || Stream on [Freetv.org](https://www.freetv.org) or
[Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) || Replay Later from [Freetv.org](https://www.freetv.org)

AGENDA

June 12, 2024

1. Roll Call
2. Approval of the May Minutes
3. Consent Agenda *(The following item(s) are request(s) for a public hearing)*
 - 3-1 Menoken Farm Facility Zoning Change
A-Agricultural to P-Public Use District
4. Public Hearing Agenda
 - 4-1 Peaceful View Subdivision Final Plat and Zoning Change
A-Agricultural to R1- Single Family Residential
 - 4-2 Fleck Subdivision – Final Plat
 - 4-3 Riverside 3rd Subdivision (formerly known as Hartmann
Subdivision– Continuation March 13, 2024 Short Plat Public
Hearing
 - 4-4 Country Creek 3rd Variance Request
5. Other Business:
6. Adjourn – Next meeting – July 10, 2024

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PLANNING AND ZONING
COMMISSION

June 12, 2024

Agenda Item: 3-1 Menoken Farm Facility Zoning Change

Consent Agenda

Project Summary

Consent Agenda

Menoken Farm Facility – Zoning Change
A-Agricultural to P-Public unit
Development
Request for a public hearing

Status:

Petitioner/Developer

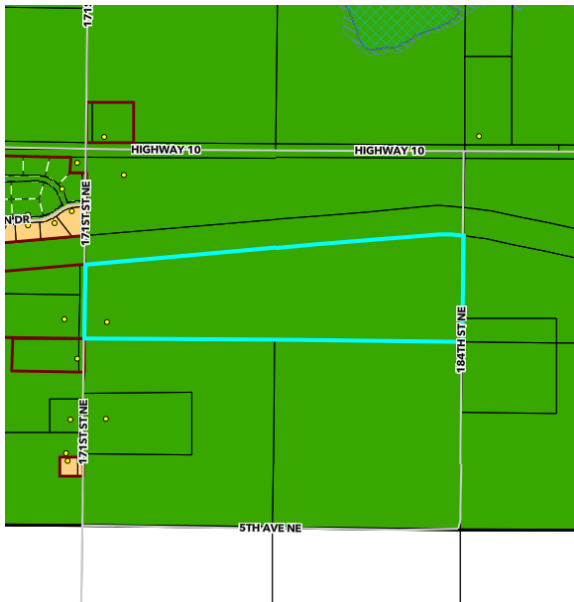
Burleigh County Soil Conservation District

Engineer

N/A

Location:

Menoken Township Section 34 N1/2 lying
South of RR ROW



Attachment 3-1-1 Location Map

Project Size:

150 acres more or less
A- Agricultural Zoning

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners



PLANNING AND ZONING COMMISSION

June 12, 2024

Petitioners Request

Approval of the preliminary zoning change
and call for a public hearing

History

Burleigh County was approached by the Burleigh County Soil Conservation District regarding their plan to build a learning center/assembly area building. The 8,300-sf building will be a public use building with a learning center, larger assembly area and office space.

The building plans have been submitted and a review is starting. A septic system for the site is being designed for the site. The Stormwater Management Plan has been submitted and approved.



3-1-2 Site Map



Analysis

The Menoken Farm Facility combines natural resource education and a systems approach to conservation. The 150-acre property is a demonstration farm established in 2009 to explore soil conservation methods. The farm is owned and operated by the Burleigh County Soil Conservation District. They receive additional funding from:

- Section 319 Nonpoint Source Pollution Control Program through the North Dakota Department of Health/Water Quality Division
- Natural Resources Conservation Service, US Department of Agriculture.

The Menoken Farm Facility holds various events at the site and offers training and education in conservation methods for rural and urban areas. Visitors have two (2) access points the location:

- I94 East to Exit 170, 158th Street NE/County Hwy 10, 171st Street NE
- Main Ave East to 171st Street



PLANNING AND ZONING
COMMISSION

June 12, 2024

Article 20.1 – Public Use District, Burleigh County Zoning Ordinance

The P-Public Use District is established for areas which the principal land use is governmental, civic or institutional uses, including major public facilities. The regulation is intended to prohibit any other use which would diminish its value in serving the needs of the public. P-Public Use District is an alternative zoning classification for public and institutional uses.

The Menoken Farm Facility meets the criteria of Article 20.1 – P – Public Use District Regulations of the Burleigh County Planning and Zoning Ordinance.

The Menoken Farm Facility meets the criteria of the 2014 Burleigh County Comprehensive Plan in the preservation of natural resources, and the promotion of tourism. – Article 4 - Parks & Recreation





Staff Findings:

1. The zoning change from A-Agricultural to P – Public Use District fulfils the requirements of Article 20.1 of the Burleigh County Zoning Ordinance.
2. Stormwater Management plan has been completed.
3. All concerns of the necessary county entities have been addressed.
4. The established use of the parcel will not change.
5. The parcel is owned and operated by a government agency

Planning Staff Recommendation

The requested zoning change meets all the criteria of Article 20.1 – Public Use District of the Burleigh Zoning Ordinance. Staff recommends approving the request of a public hearing.



PLANNING AND ZONING COMMISSION

June 12, 2024

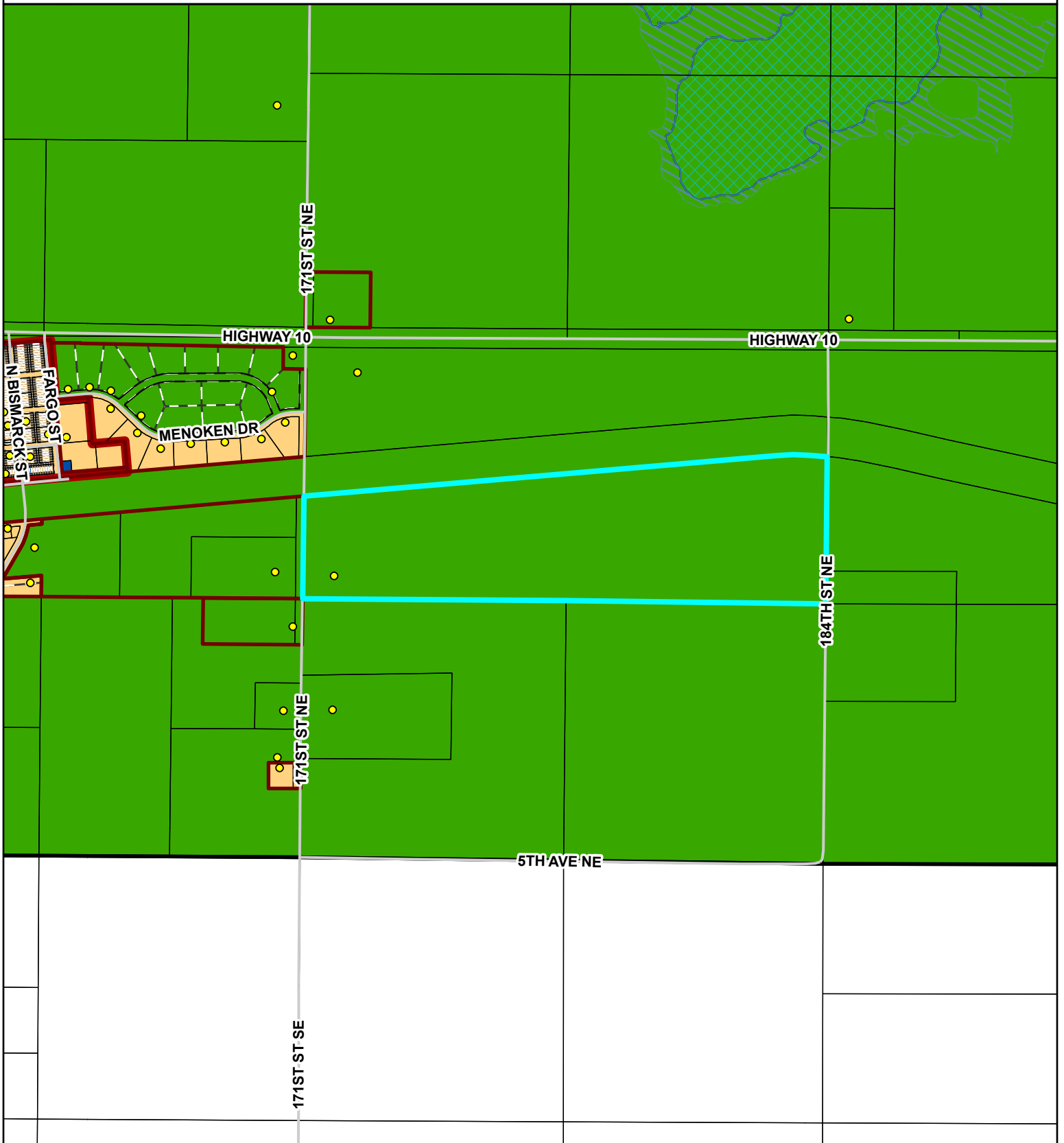
Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the request and call a public hearing.
2. Approve the request with conditions.
3. Deny the request with reason.
4. Table the request for more information.

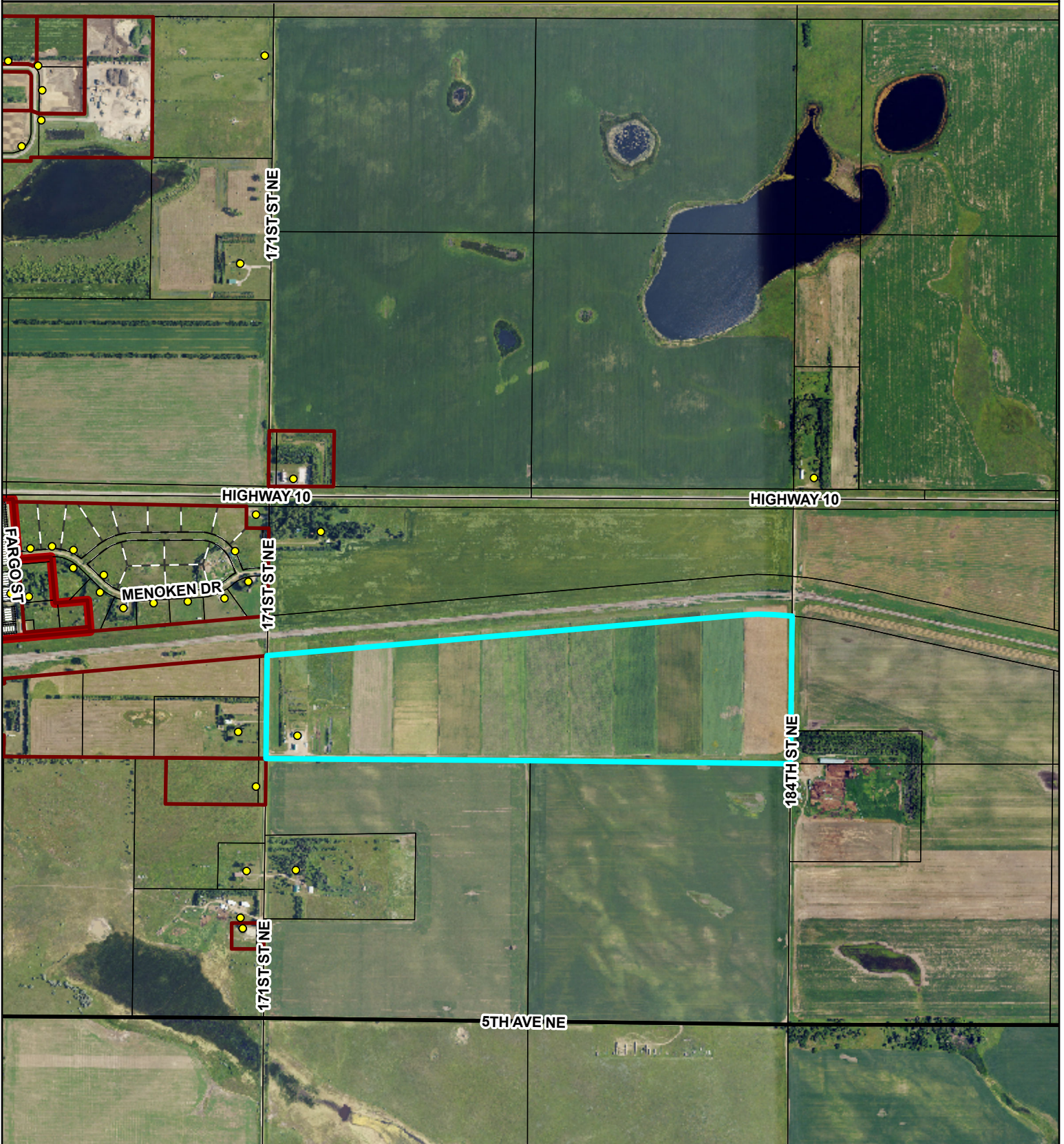
EXHIBITS - MENOKEN FARM FACILITY

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



PARCEL ID: 33-139-78-00-34-220 **OWNER:** BURLEIGH CO SOIL CONS DISTRICT **ACRES:** 150.12
SITE ADDRESS: 1107 NE 171ST ST
MAIL ADDRESS: 916 E INTERSTATE AVE #6, BISMARCK, ND 58503-0560
LEGAL: MENOKEN TOWNSHIP Section 34 N1/2 LYING SOUTH OF RR R/W 701210 34-139-78

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



PARCEL ID: 33-139-78-00-34-220

OWNER: BURLEIGH CO SOIL CONS DISTRICT

ACRES: 150.12

SITE ADDRESS: 1107 NE 171ST ST

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LEGAL: MENOKEN TOWNSHIP Section 34 N1/2 LYING SOUTH OF RR R/W 701210 34-139-78





Menoken Farm

The Menoken Farm is a conservation demonstration farm located in central North Dakota, owned and operated by the Burleigh County Soil Conservation District

The systems approach management enhances erosion protection, sunlight harvest, plant diversity, carbon, pollinators, beneficial insects, wildlife, salinity control, livestock forage and more

Advancing Soil Health through innovation and education.



Cropping Systems

Menoken Farm is divided into 10 fields, each about 12 acres. The cropping system includes no-till seeding, high crop diversity and rotations with cover crop combinations seeded after harvest and as season-long plantings.



Compost

Each fall compost is made from a number of organic materials, including common ingredients such as hay, straw, wood shavings, fish and manure. Upon completion, the compost is applied to available cropland and gardens.



Windbreaks

A number of windbreaks have been planted and serve as an arboretum for information and education on energy, wildlife and forestry topics.



Grazing Systems

Rotational perennials are part of the crop rotation. These fields are seeded to 21 species of perennial grasses, legumes and flowering forbs. The grazing system is managed with short livestock exposure periods, followed by long plant recovery periods. Livestock are also rotated to season-long cover crops, fall seeded cover crops and crop residue, when available. Paddock size is managed with single-wire electric fence. Each paddock is usually a half acre or larger.



Gardens

Menoken Farm has a high tunnel greenhouse garden and outside garden. The soil health principles and compost are used to manage the gardens. Healthy, fresh produce is donated to the Bismarck/Mandan food pantries, in cooperation with the Hunger Free North Dakota Garden Project.



Education

With continued support from the North Dakota Department of Health and NRCS-USDA, Menoken Farm provides natural resource education. Tours are available from May - October and are open to farmers, ranchers, gardeners, Soil Conservation District employees and supervisors, NRCS employees, Extension Service employees, no-till associations and the general public. Some of the topics our tour participants will learn include: soil health principles; carbon cycle; soil function demonstrations; crop rotations; cover crop combinations; grazing systems; and gardening.

Visit us at: www.menokenfarm.com



The farm is owned and operated by Burleigh County Soil Conservation District. Additional financial and technical support is provided by:

- Section 319 Nonpoint Source Pollution Control Program through the North Dakota Department of Health/Water Quality Division
- Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA)

After identifying a number of resource concerns across the Menoken Farm landscape, work focused on providing these basic building blocks to improve soil health:

- 🌿 Soil armor
- 🌿 Minimal soil disturbance
- 🌿 Plant diversity
- 🌿 Continual live plant/root
- 🌿 Livestock integration

The systems approach management enhances erosion protection, sunlight harvest, plant diversity, carbon, pollinators, beneficial insects, wildlife, salinity control, livestock forage and more.



Menoken Farm

Schedule a Menoken Farm Tour:

- 👤 Darrell Oswald
- ☎ 701-250-4518, ext. 3
701-391-5830
- ✉ darrell.oswald@nd.nacdnet.net
menokenfarm@gmail.com
- 🌐 www.menokenfarm.com

The Menoken Farm address is:

- 📍 Menoken Farm
1107 171st St. N.E.
Menoken, ND 58558

Driving directions to Menoken Farm are:

- From I-94, take Menoken Exit 170 (about 10 miles east of Bismarck, ND)
- 1 mile south to Highway 10
- 1 mile east to St. Hildegard's Church
- 1/2 mile south

*This brochure is based upon work supported by the Natural Resources Conservation Service, U.S. Department of Agriculture, under number 68-6633-16-516. USDA is an equal opportunity provider and employer



Menoken Farm

Burleigh County Soil Conservation District, North Dakota

Menoken Farm was established in 2009 and is a combination of natural resource education and systems approach conservation



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PLANNING AND ZONING
COMMISSION

June 12, 2024

Agenda Item: 4-1 Peaceful View Subdivision
Zoning Change

Public Hearing for Subdivision and Zoning Change

Project Summary	
Public Hearing Agenda:	Peaceful View Subdivision and Zoning Change from A to R1
Status:	Request for a "Do Pass" recommendation to the County Commission.
Petitioner/Developer	Duane Small
Engineer	Mark Isaacs, Independent Land Surveyors
Location:	<i>Part of the South 1/2 of Section 11, Part of Lot B and Part of the North 1/4 of Section 14, Township 137 North, Range 80 W in Burleigh County</i>
Exhibit 4-1-1 Location Map 	
Project Size:	17.89 acres divided into two (2) lots

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners



History/Description

Burleigh County was approached in March regarding the platting of 17 acres into a two (2) lot subdivision. A preliminary review was held with the county review staff and the petitioner. Attending the review meeting were: County Planning and Engineering Staff, Rural Fire and Mark Isaacs-Independent Land Surveyor representing Duane Small

The proposed subdivision offers some challenges because of its location and the location of several buildings on the property. The original homestead was developed before the county section lines were in place. Because of this the house and several buildings are in what would become the county section line right of way. The section line was vacated by the Board of Burleigh County Commissioners at the March 4, 2024 meeting. (see attachment 4-1-2).

The preliminary plat was resubmitted on March 21, 2024 for the April 10, 2024 meeting. The section line has been vacated and alternative access to the US Army Corp of Engineers land located on the west side of the property has been provided.

The final plat was submitted on April 18th. The plat was reviewed by Burleigh County Staff and outside entities. All corrections have been completed and all entities have approved of the final plat.

The zoning change request from A-Agricultural Zoning to R1- Rural Single Family Residential is an appropriate zoning change. The proposed lots are under ten (10) acres and will not qualify for A-Agricultural Zoning which requires a minimum of ten (10) acres. The surrounding properties are a mix of A-Agricultural and R1-Rural Single Family Residential.

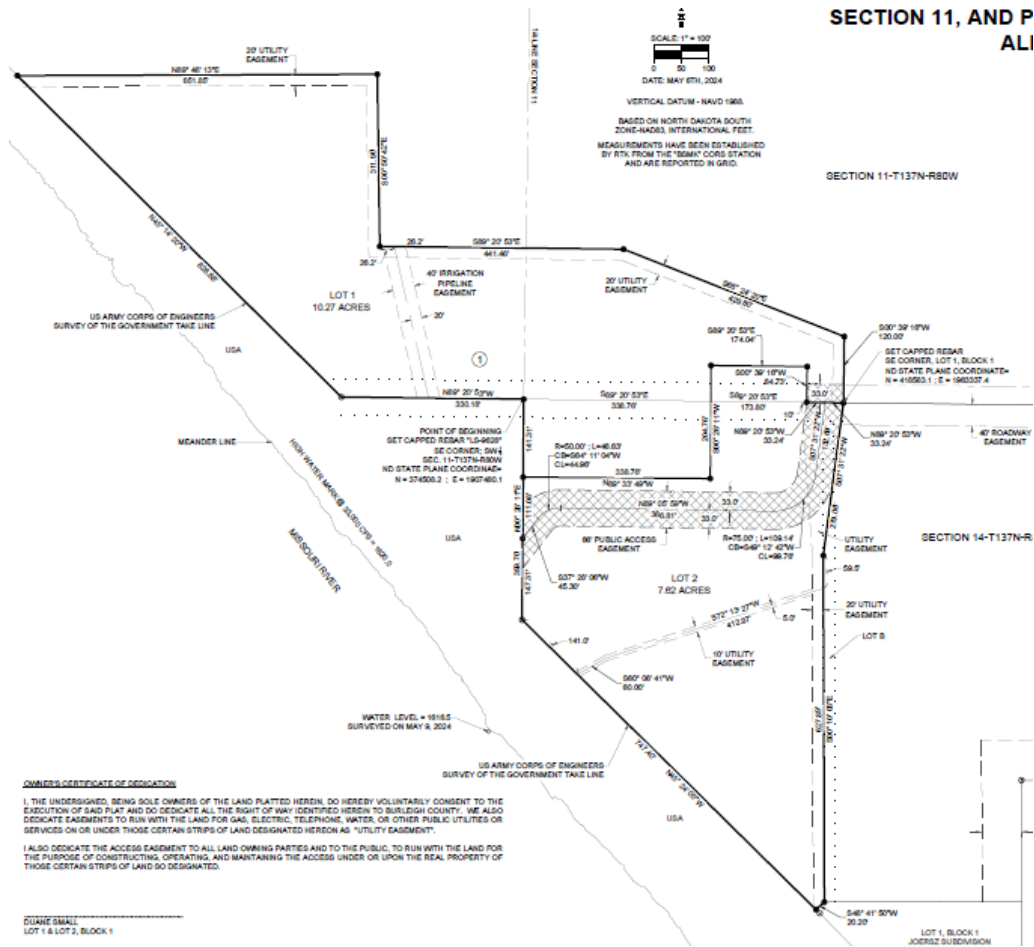
East of the property at approximately one (1) mile is the



PLANNING AND ZONING COMMISSION

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Exhibit 4-1-3 Subdivision Final Plat



June 12, 2024



Exhibit 4-1-4 Subdivision Site Map

Staff Findings:
Final Plat

1. This subdivision fulfills the requirements for a Preliminary Plat as per Article 33, of the Burleigh County Zoning Ordinance.
2. The Stormwater Management Waiver was granted
3. The section line vacation was approved.
4. The alternative section line ROW was approved.
5. This final plat was submitted to all reviewing entities. Changes and corrections have been addressed. All reviewing entities have approved the final plat.



PLANNING AND ZONING COMMISSION

June 12, 2024

Staff Findings: Zoning Change

1. The zoning change from A-Agricultural to R1-Rural Single Family Residential fulfills the requirements of Article 12 of the Burleigh County Zoning Ordinance.
2. The zoning change is consistent with properties in the surrounding area.

Planning Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance Article 12 & 33. Staff recommends approval of the preliminary plat and zoning change and requests for a public hearing.

Planning Commission Action

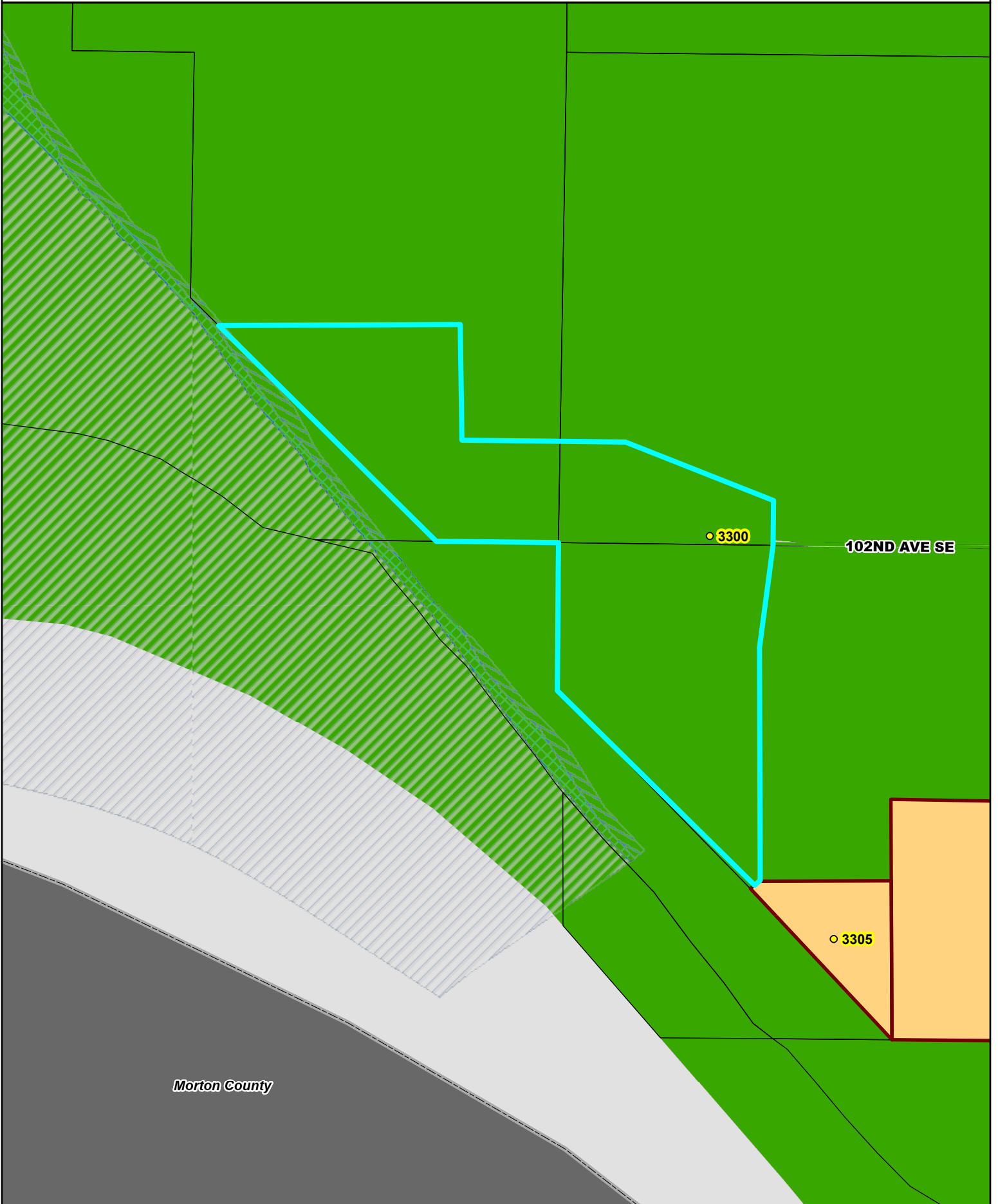
The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat and/or zoning change. Call for a public hearing.
2. Approve the preliminary plat and/or zoning change with conditions and call for a public hearing after all condition have been completed.
3. Deny the preliminary plat and/or zoning change with reason.
4. Table the preliminary plat and/or zoning change for more information.

EXHIBITS - PEACEFUL VIEW SUBDIVISION AND ZONING CHANGE

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

EXHIBIT 4-1-1





964212

\$0.00
Page: 1 of 2
3/19/2024 1:05 PM
Burleigh County

AFFIDAVIT OF SECTION LINE CLOSURE

AFD 24-004

The Burleigh County Commission at a regular scheduled meeting on March 5, 2024, duly closed the following listed section line as appearing below.

Witness my hand and seal this 19 day of March, 2024



Mark Splonskowski,
Burleigh County Auditor

SECTION LINE CLOSURE

The section line vacation is as described below:

The section line situated on the common line between Sections 11 and 14, Township 137 North Range 80 West of the 5th Principal Meridian, Burleigh County, ND.



COUNTY PLANNING

AFFDT

Brandi Chambers Deputy

964212

\$0.00

Page: 2 of 2

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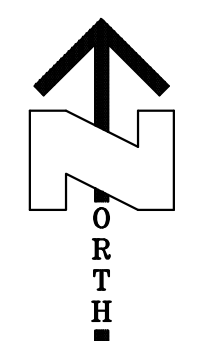
Burleigh County



PEACEFUL VIEW SUBDIVISION

EXHIBIT 4-1-3

A TRACT OF LAND IN PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 11, AND PART OF LOT B, AND PART OF THE NORTHEAST QUARTER OF SECTION 14, ALL IN T137N, R80W IN BURLEIGH COUNTY, NORTH DAKOTA



SCALE: 1" = 100'
DATE: MAY 6TH, 2024

VERTICAL DATUM - NAVD 1988.
BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET.
MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS STATION AND ARE REPORTED IN GRID.

LAND DESCRIPTION

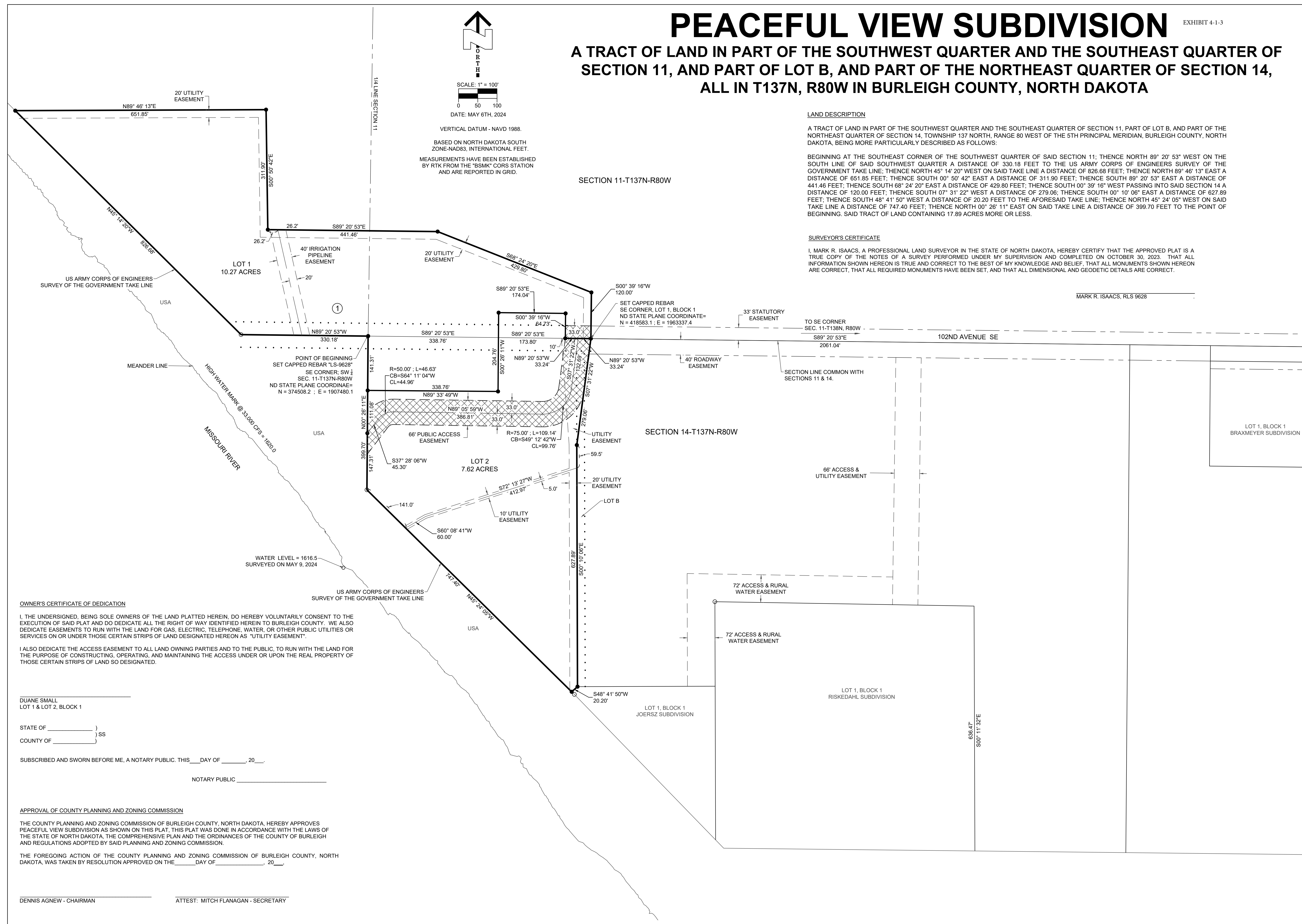
A TRACT OF LAND IN PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 11, PART OF LOT B, AND PART OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 137 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 11; THENCE NORTH 89° 20' 53" WEST ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 330.18 FEET TO THE US ARMY CORPS OF ENGINEERS SURVEY OF THE GOVERNMENT TAKE LINE; THENCE NORTH 45° 14' 20" WEST ON SAID TAKE LINE A DISTANCE OF 826.68 FEET; THENCE NORTH 89° 46' 13" EAST A DISTANCE OF 651.85 FEET; THENCE SOUTH 00° 50' 42" EAST A DISTANCE OF 311.90 FEET; THENCE SOUTH 89° 20' 53" EAST A DISTANCE OF 441.46 FEET; THENCE SOUTH 68° 24' 20" EAST A DISTANCE OF 429.80 FEET; THENCE SOUTH 00° 39' 16" WEST PASSING INTO SAID SECTION 14 A DISTANCE OF 120.00 FEET; THENCE SOUTH 07° 31' 22" WEST A DISTANCE OF 279.06 FEET; THENCE SOUTH 00° 10' 06" EAST A DISTANCE OF 627.89 FEET; THENCE SOUTH 48° 41' 50" WEST A DISTANCE OF 20.20 FEET TO THE AFORESAID TAKE LINE; THENCE NORTH 45° 24' 05" WEST ON SAID TAKE LINE A DISTANCE OF 747.40 FEET; THENCE NORTH 00° 28' 11" EAST ON SAID TAKE LINE A DISTANCE OF 399.70 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 17.89 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON OCTOBER 30, 2023. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

MARK R. ISAACS, RLS 9628



OWNER'S CERTIFICATE OF DEDICATION

I, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO BURLEIGH COUNTY. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE, WATER, OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENT".

I ALSO DEDICATE THE ACCESS EASEMENT TO ALL LAND OWNING PARTIES AND TO THE PUBLIC, TO RUN WITH THE LAND FOR THE PURPOSE OF CONSTRUCTING, OPERATING, AND MAINTAINING THE ACCESS UNDER OR UPON THE REAL PROPERTY OF THOSE CERTAIN STRIPS OF LAND SO DESIGNATED.

DUANE SMALL
LOT 1 & LOT 2, BLOCK 1

STATE OF _____ }
COUNTY OF _____ } SS

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 20__.

NOTARY PUBLIC _____

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, HEREBY APPROVES PEACEFUL VIEW SUBDIVISION AS SHOWN ON THIS PLAT, THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND THE ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ____ DAY OF _____, 20__.

DENNIS AGNEW - CHAIRMAN

ATTEST: MITCH FLANAGAN - SECRETARY

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ____ DAY OF _____, 20__.

BRIAN BITNER - CHAIRMAN

ATTEST: MARK SPLONSKOWSKI,
COUNTY AUDITOR/TREASURER

APPROVAL OF THE COUNTY ENGINEER

I, MARCUS J. HALL, COUNTY ENGINEER FOR THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVES THIS PLAT OF "PEACEFUL VIEW SUBDIVISION" AS SHOWN ON THE PLAT, DATED THIS ____ DAY OF _____, 20__.

MARCUS J. HALL, PE
COUNTY ENGINEER

ACREAGE TABLE

	SE 1/4 SEC 11	SW 1/4 SEC 11	NE 1/4 SEC 14
LOT 1	10.27 ACRES	2.67 ACRES	6.51 ACRES
LOT 2	7.62 ACRES	0.27 ACRES	1.09 ACRES
TOTAL	17.89 ACRES		

BENCHMARK - SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 11, T137N, R80W, A CAPPED REBAR - "LS9628", FLUSH WITH THE GROUND. ELEVATION = 1690.25

OWNER:
DUANE SMALL
3300 SE 102ND AVE
BISMARCK, ND 58504

PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

LEGEND

- FOUND SURVEY MONUMENT
- SET CAPPED REBAR - LS9628
- VACATE SECTION LINE EASEMENT AND LOT B.
- ▨ 66' ACCESS EASEMENT FOR THE BENEFIT OF THE PUBLIC.

NOTES:

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
3. EXISTING ZONING - AGRICULTURAL
4. THE ACCESS EASEMENT SHOWN HEREON IS FOR THE BENEFIT OF THE PUBLIC.
5. THE SECTION LINE STATUTORY EASEMENT THAT RUNS THROUGH LOTS 1 & 2, BLOCK 1 HAS BEEN VACATED PER RESOLUTION DOC.# 964212

PEACEFUL VIEW SUBDIVISION
PART OF THE S. 1/2 SEC. 11-137-80
PART OF THE N. 1/2 SEC. 14-137-80
BURLEIGH, NORTH DAKOTA

SHEET: 1 OF 1 JOB NUMBER: 23154
SCALE: 1" = 100' DWG REVISION DATES
DRAWN BY: MRS 5/6/24
DWG DATE: 4/11/24
DWG NAME: 23154 Final Plat.dwg

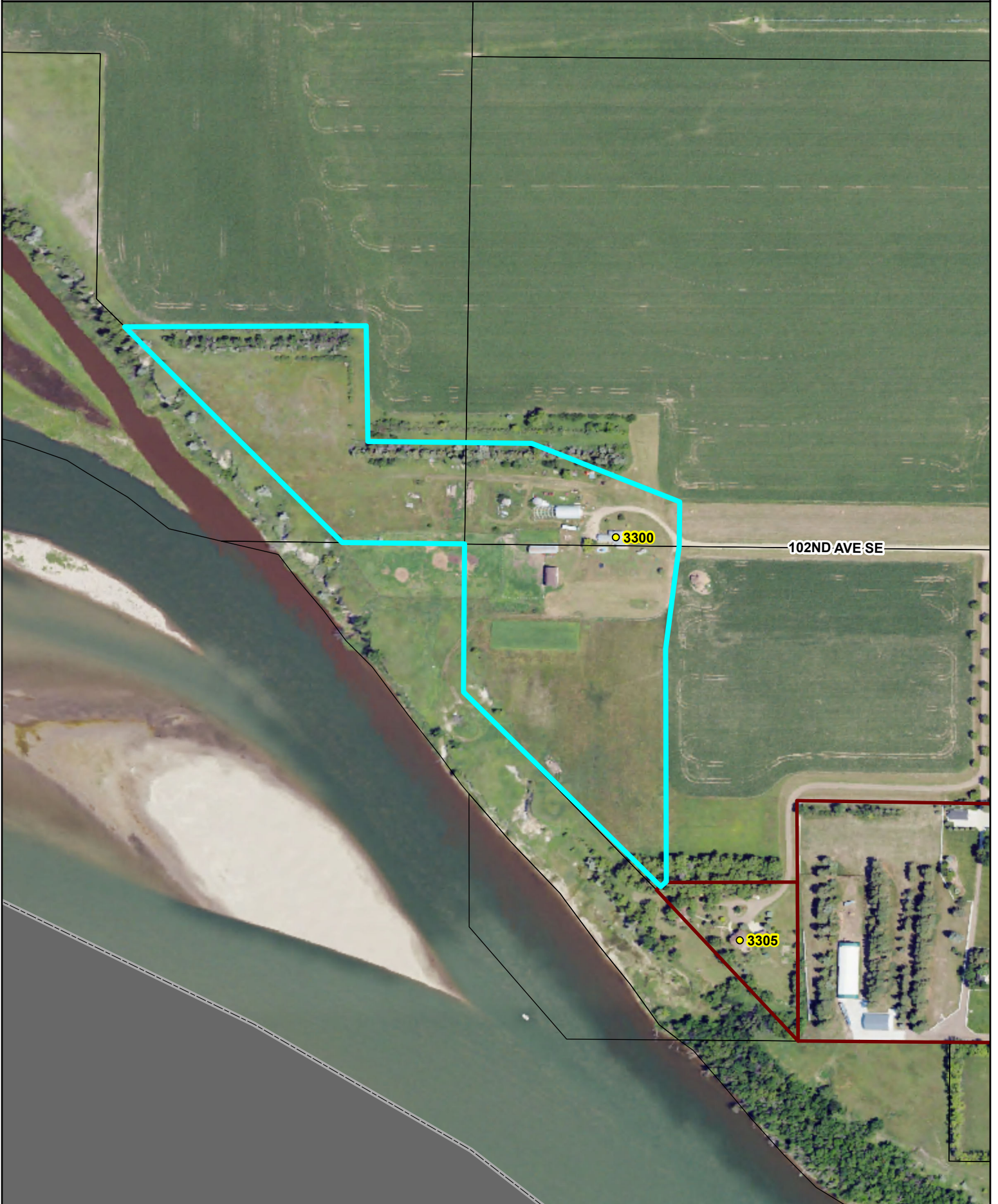
Independent
Land
Surveying &
Engineering

4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-955-2079
mark@isurveynd.com

**BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP**

EXHIBIT 4-1-4

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5/20/2024



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PLANNING AND ZONING
COMMISSION

June 12, 2024

Agenda Item: 4-2 Fleck Subdivision

Public Hearing for Subdivision

Project Summary

Public Hearing Agenda:

Fleck Subdivision – A three (3) lot subdivision

Status:

Public Hearing

Petitioner/Developer

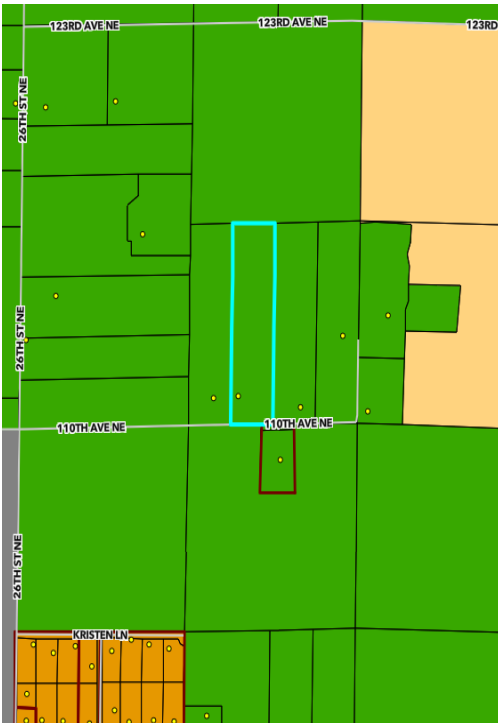
Kurt & Dana Fleck

Engineer

Mark Isaacs
Independent Land Surveying and
Engineering

Location:

Part of the SE 1/4, Section 7 and Part of
the NE 1/4, Section 18, All in T137N,
Range 79W, Burleigh County



Attachment 4-2-1 Location Map

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners



PLANNING AND ZONING COMMISSION

June 12, 2024

Project Size:	40 acres more or less A- Agricultural Zoning
Petitioners Request	Approval of final plat and a "Do Pass" recommendation to the Board of Burleigh County Commissioners

History

Mark Isaac, ILSE and the petitioners Kurt and Dana Fleck met with Burleigh County Staff on March 13, 2024 for a pre-application meeting to discuss platting their 40 acres. The Fleck's were interested in platting their property into three (3) lots. Two (2) lots will contain ten (10) acres with the remaining lot containing eighteen (18) acres more or less. A zoning change would not be required if the lot stayed at ten (10) acres or more.

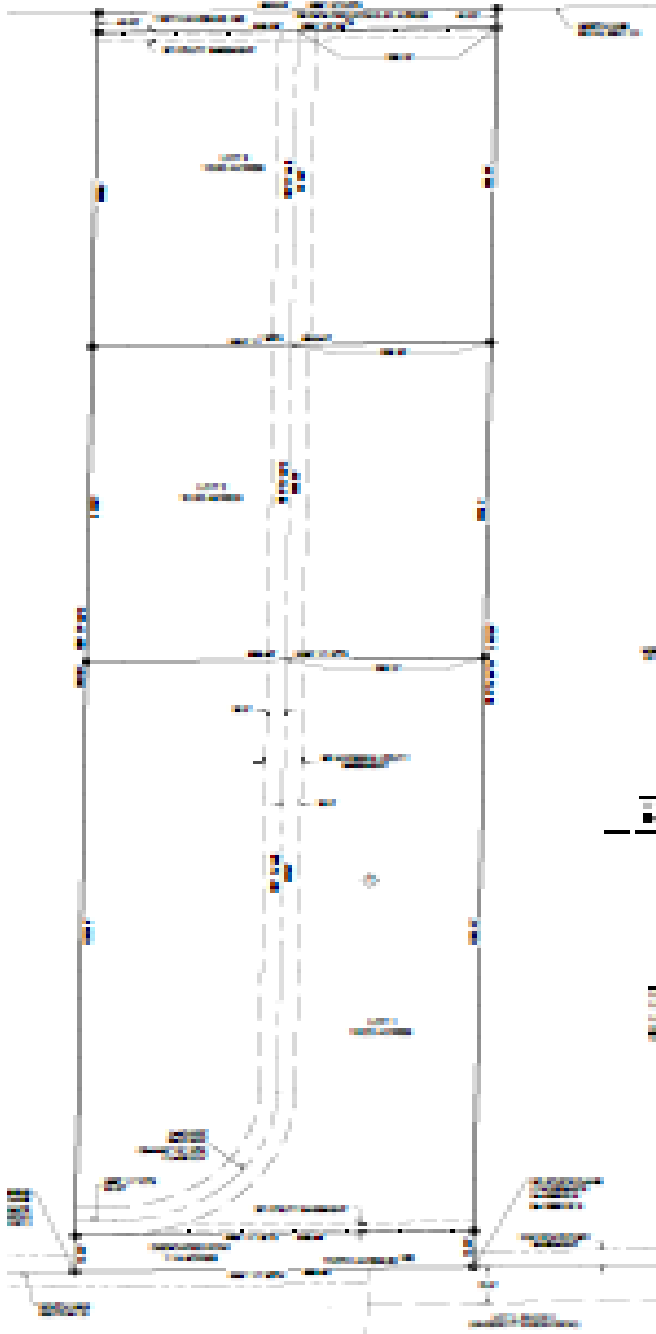
The review committee did not find any irregularities which would cause concern in the platting process. There are three (3) buildings on the property, which will be contained into Lot 1. An access easement for access to Lots 2 and 3, from Lot 1 has been dedicated on the plat. Access from 110th Avenue NE and from 116th Avenue NE will be shared access for each lot.

The Burleigh County Planning and Zoning Commission approved the preliminary plat on April 10, 2024 and called for a public hearing. The final plat was submitted on April 16th. All reviewing entities have signed off and approved the final plat for a public hearing.



PLANNING AND ZONING
COMMISSION

June 12, 2024



Attachment 4-2-2 Final Plat

June 12, 2024



PLANNING AND ZONING
COMMISSION

June 12, 2024



Attachment 4-2-3 Site Map



PLANNING AND ZONING COMMISSION

June 12, 2024

Staff Findings:

1. This subdivision fulfills the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. Zoning will not be changed.
3. A Stormwater Management Waiver was approved
4. A Paving Waiver Request was submitted on March 27, 2024
5. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.

Planning Staff Recommendation

The final plat of Fleck Subdivision meets all administrative requirements of the Burleigh County Zoning Ordinance Article 33. Staff recommends approval of the final plat and a "Do Pass" recommendation to the Board of Burleigh County Commissioners.

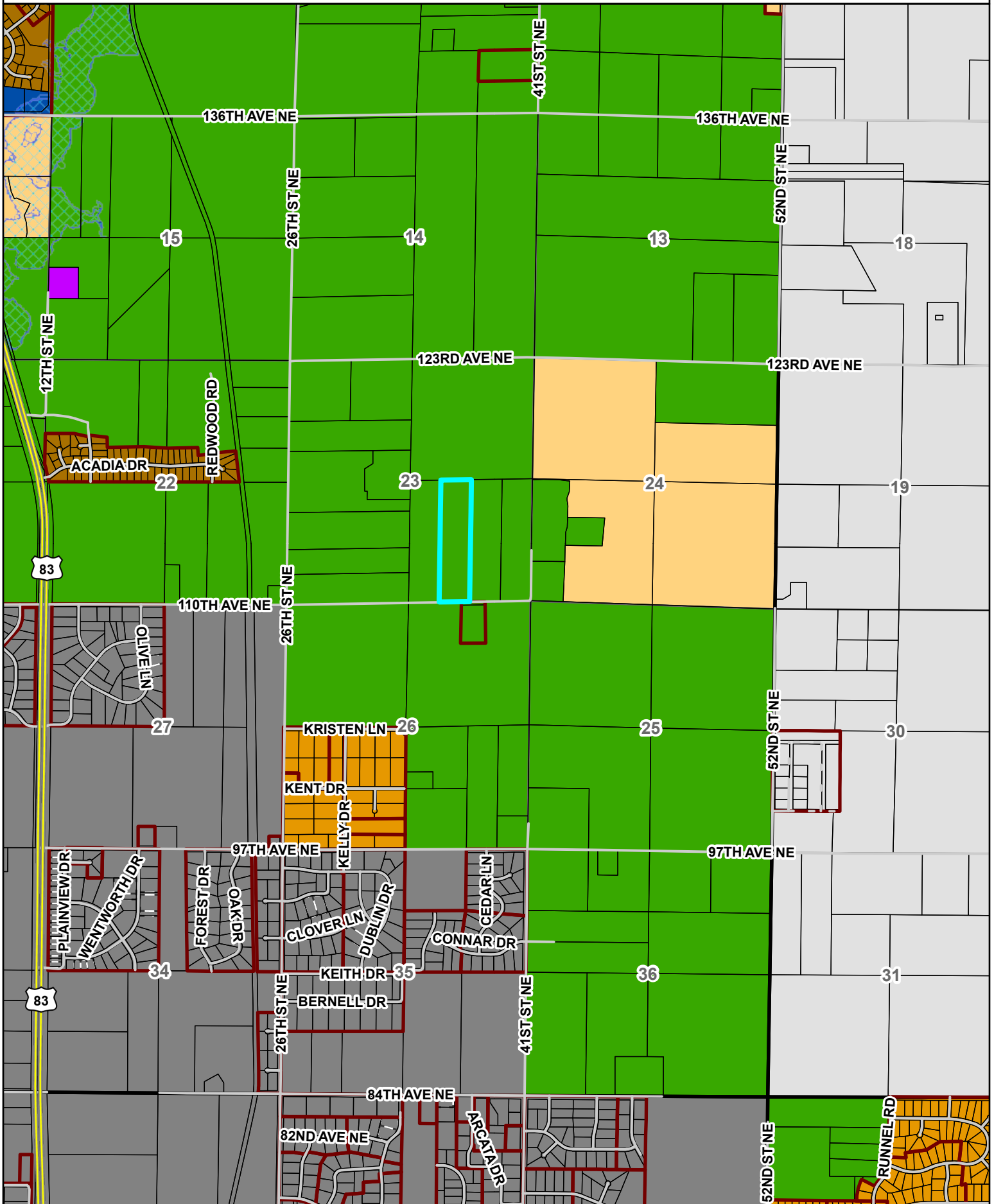
Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat. Give a "Do Pass" recommendation to the County Commission.
2. Approve the final plat with conditions and give a "Do Pass" recommendation to the County Commission after all condition have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

EXHIBITS - FLECK SUBDIVISION

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



FLECK SUBDIVISION

A TRACT OF LAND IN EAST 1/2 OF THE WEST 1/2 OF THE SE 1/4 IN SECTION 23 T140N, R80W IN BURLEIGH COUNTY, NORTH DAKOTA

LAND DESCRIPTION

A TRACT OF LAND BEING THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 140 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89° 11' 32" EAST ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 660.45 FEET TO THE SOUTHWEST CORNER OF SAID HALF-HALF-QUARTER AND THE POINT OF BEGINNING; THENCE NORTH 00° 51' 08" EAST ON THE WEST LINE OF SAID HALF-HALF-QUARTER A DISTANCE OF 2637.66 FEET TO THE NORTHWEST CORNER OF SAID HALF-HALF-QUARTER; THENCE NORTH 89° 12' 03" EAST ON THE NORTH LINE OF SAID HALF-HALF-QUARTER A DISTANCE OF 660.39 FEET TO THE NORTHEAST CORNER OF SAID HALF-HALF-QUARTER; THENCE SOUTH 00° 51' 04" WEST ON THE EAST LINE OF SAID HALF-HALF-QUARTER A DISTANCE OF 2637.56 FEET TO THE SOUTHEAST CORNER OF SAID HALF-HALF-QUARTER; THENCE SOUTH 89° 11' 32" WEST ON THE SOUTH LINE OF SAID HALF-HALF-QUARTER A DISTANCE OF 660.45 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 39.97 ACRES MORE OR LESS AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS..

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON AUGUST 10, 2023. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

MARK R. ISAACS, RLS 9628

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNER OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO BURLEIGH COUNTY. I ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE, WATER, OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENT".

WE ALSO DEDICATE THE ACCESS EASEMENT TO ALL LAND OWNING PARTIES, TO RUN WITH THE LAND FOR THE PURPOSE OF CONSTRUCTING, OPERATING, AND MAINTAINING THE ACCESS UNDER OR UPON THE REAL PROPERTY OF THOSE CERTAIN STRIPS OF LAND SO DESIGNATED.

KURT FLECK

DANA FLECK

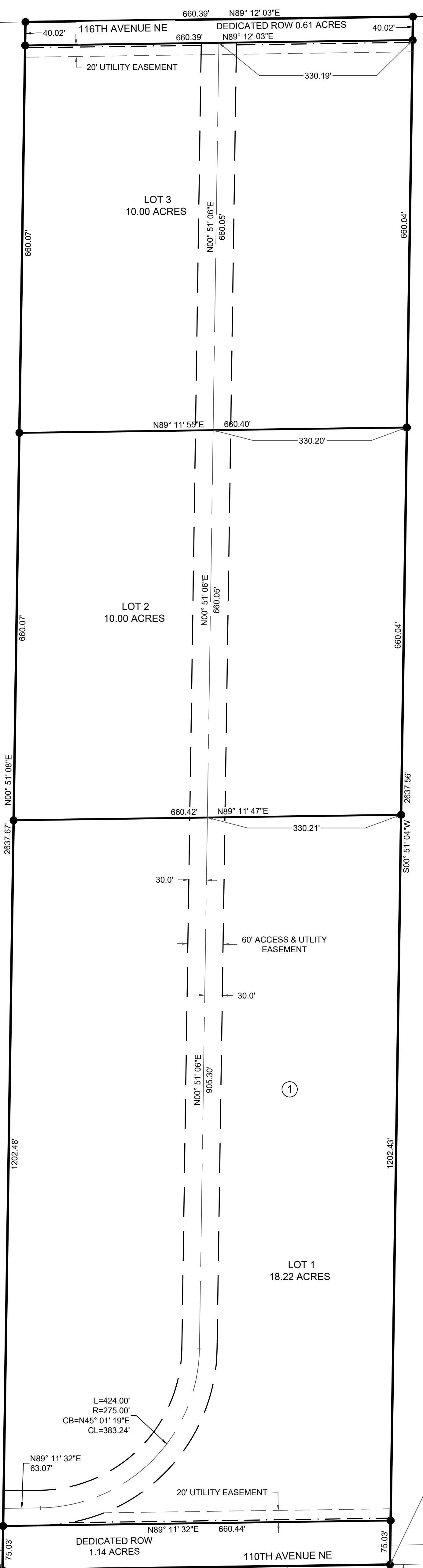
STATE OF _____)
COUNTY OF _____) SS

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ___ DAY OF _____, 20__.

NOTARY PUBLIC _____

TO E 1/4 CORNER
SEC 23-140-80
N89° 12' 03"E
1320.78'

TO CENTER CORNER
SEC 23-140-80
S89° 12' 03"W
660.39'



VERTICAL DATUM - NAVD 1988.
BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET.
MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS STATION AND ARE REPORTED IN GRID.

LEGEND
○ FOUND SURVEY MONUMENT
● SET CAPPED REBAR - LS9628
- - - NON-ACCESS LINE

ACREAGE TABLE	
LOT 1	18.22 ACRES
LOT 2	10.00 ACRES
LOT 3	10.00 ACRES
DEDICATED ROW	1.75 ACRES
TOTAL	39.97 ACRES

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, HEREBY APPROVES FLECK SUBDIVISION AS SHOWN ON THIS PLAT, THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND THE ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ___ DAY OF _____, 20__.

DENNIS AGNEW - CHAIRMAN

ATTEST: MITCH FLANAGAN - SECRETARY

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ___ DAY OF _____, 20__.

BRIAN BITNER - CHAIRMAN

ATTEST: MARK SPLONSKOWSKI,
COUNTY AUDITOR/TREASURER

APPROVAL OF THE COUNTY ENGINEER

I, MARCUS J. HALL, COUNTY ENGINEER FOR THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVES THIS PLAT OF "FLECK SUBDIVISION" AS SHOWN ON THE PLAT, DATED THIS ___ DAY OF _____, 20__.

MARCUS J. HALL, PE
COUNTY ENGINEER

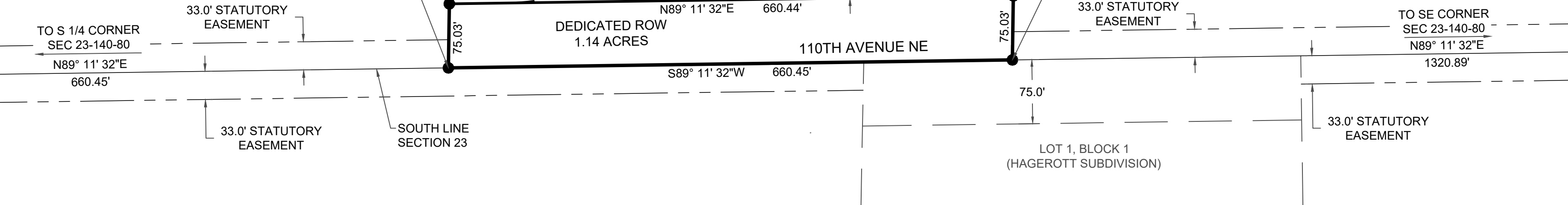
BENCHMARK - SOUTHWEST CORNER LOT 1, BLOCK 1, A CAPPED REBAR FLUSH WITH THE GROUND. ELEVATION = 1919.00

PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

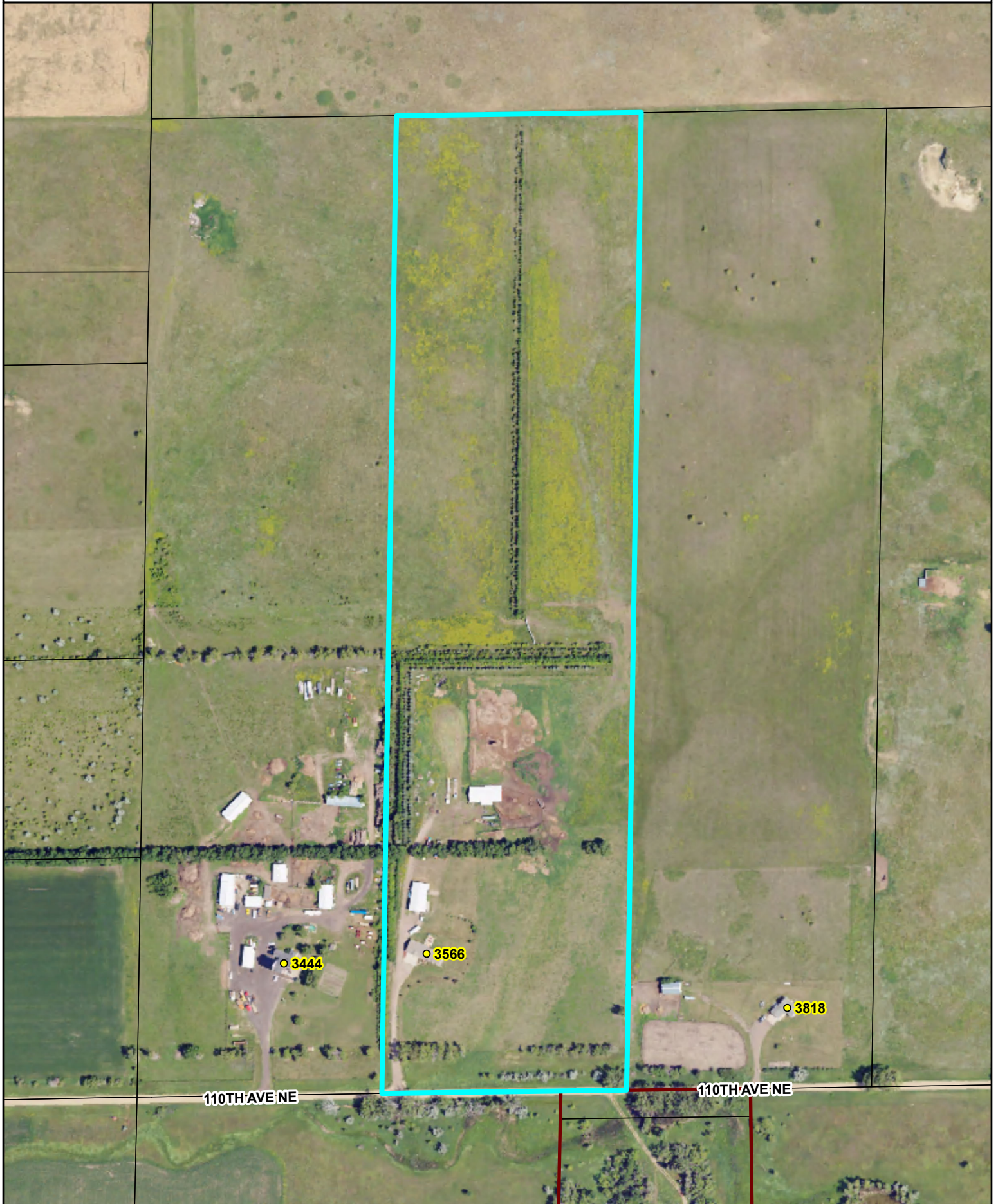
FLECK SUBDIVISION		Independent Land Surveying & Engineering
PART OF SE 1/4 SEC. 23-140-80		
BURLEIGH, NORTH DAKOTA		4215 Old Red Trail NW Mandan, ND 58554 Phone: 701-663-5184 Cell: 701-595-2079 mark@surveynd.com
SHEET: 1 OF 1	JOB NUMBER: 24012	
SCALE: 1" = 100'	DWG REVISION DATES	
DNWN BY: MRS	1/27/24	
DWG DATE: 2/20/24	5/9/24	
DWG NAME: Fleck Subdivision Final Plat.dwg		

- NOTES:**
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
 - SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
 - EXISTING ZONING - AGRICULTURAL
 - THE ACCESS EASEMENT SHOWN HEREON IS FOR THE BENEFIT OF LOTS 1, 2, AND 3, BLOCK 1.

OWNER:
KURT & DANA FLECK
3566 110TH AVENUE N
BISMARCK, ND 58503



BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



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PLANNING AND ZONING
COMMISSION

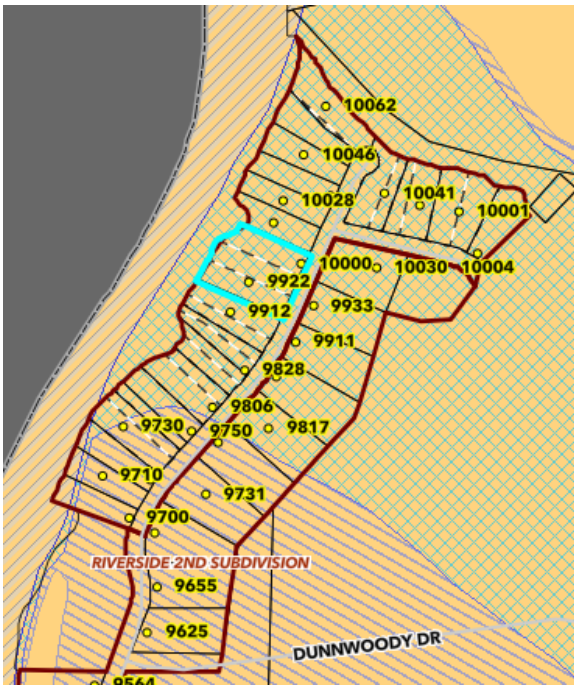
June 12, 2024

Agenda Item 4-3

Application for a Final Short – Plat Subdivision

Continuation of March 13, 2024 Public Hearing

Project Summary	
Public Hearing Agenda:	Riverside 3rd Subdivision – A one (1) lot subdivision
Status:	Planning and Zoning Commission – Consideration
Petitioner/Developer	Paul Hartmann
Engineer	Dayne Solem – Bartlett & West
Location:	Lots 12, 13, & 14, Block 1, Riverside Subdivision in Sections 27 & 28, Township 140 North, Range 81 West Attachment 4-3-1 Location Map



As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners



PLANNING AND ZONING
COMMISSION

June 12, 2024

Project Size:		2.22 acres more or less R1-Rural Single Family Residential
Petitioners Request		Approval of the final plat. Give a "Do Pass" recommendation to the Board of Burleigh County Commissioners
Public Hearing Notifications	Bismarck Tribune	May 29 & June 5, 2024
	Burleigh County Website	May 29, 2024
	Surrounding Property Owners	May 29, 2024

History/Description

The petitioner approached Burleigh County regarding building on his property addressed as 9922 Island Road. The property was originally platted in 1985 (*see attachment 5-1-2*). Each lot containing 40,000 sf. In 1985, 40,000 square foot R1 lots were allowed. These lots were combined for tax purposes, but not combined to create one (1) lot containing 2.22 acres. A section line was also located across the three (3) lots.

Staff advised the petitioners the lots would need to be combined to build. Located in a platted subdivision, the lots could be combined using Article 33, Section 12 Short-Form Plat, which does not require a preliminary plat. As separate lots they did not meet the requirements of the Burleigh County Zoning Ordinance for the following reasons:

1. The location of the proposed build was located across a lot line and the section line Right-of-Way.
2. The location of the proposed build would be located on an unattached single-family lot. The petitioners would be required to apply for a variance to build on the lot.
3. A section line runs through all the lots, making the lot unbuildable.



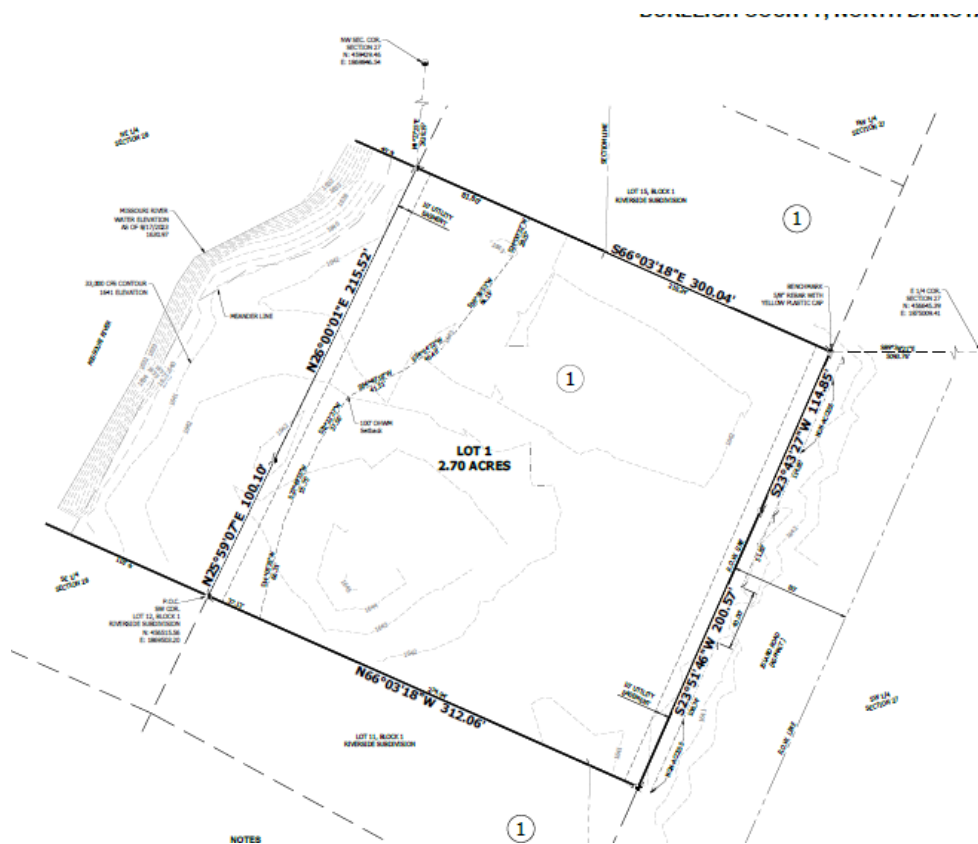
PLANNING AND ZONING
COMMISSION

June 12, 2024

The petitioners would also be required to vacate the section line if they decided to combine their lots to build.

The petitioners applied to vacate the section line. The Board of Burleigh County Commissioners granted a section line vacation on February 5, 2024.

The petitioners submitted their plat for review as on February 22, 2024. The Riverside 3rd Subdivision meets the requirements of Article 33, Section 12 – Short Form platting. It contains three (3) lots, and is in a platted subdivision. (see attachment 4-3-2)



Attachment 4-3-2 Final Plat



PLANNING AND ZONING COMMISSION

June 12, 2024



Attachment 4-3-3 Site Map

ANALYSIS

The Riverside 3rd Subdivision meets all the requirements of Article 33 – Section 12 of the Burleigh County Zoning Ordinance. The section line was vacated by the Board of Burleigh County Commissioners which allows the three (3) lots to be combined into one (1) lot.

Riverside 3rd Subdivision will follow the rules and guidelines of the Riverside 1 and 2 Subdivision Covenant. The property owner has met and agreed to continue as a member of the HOA for Riverside 1 and 2.

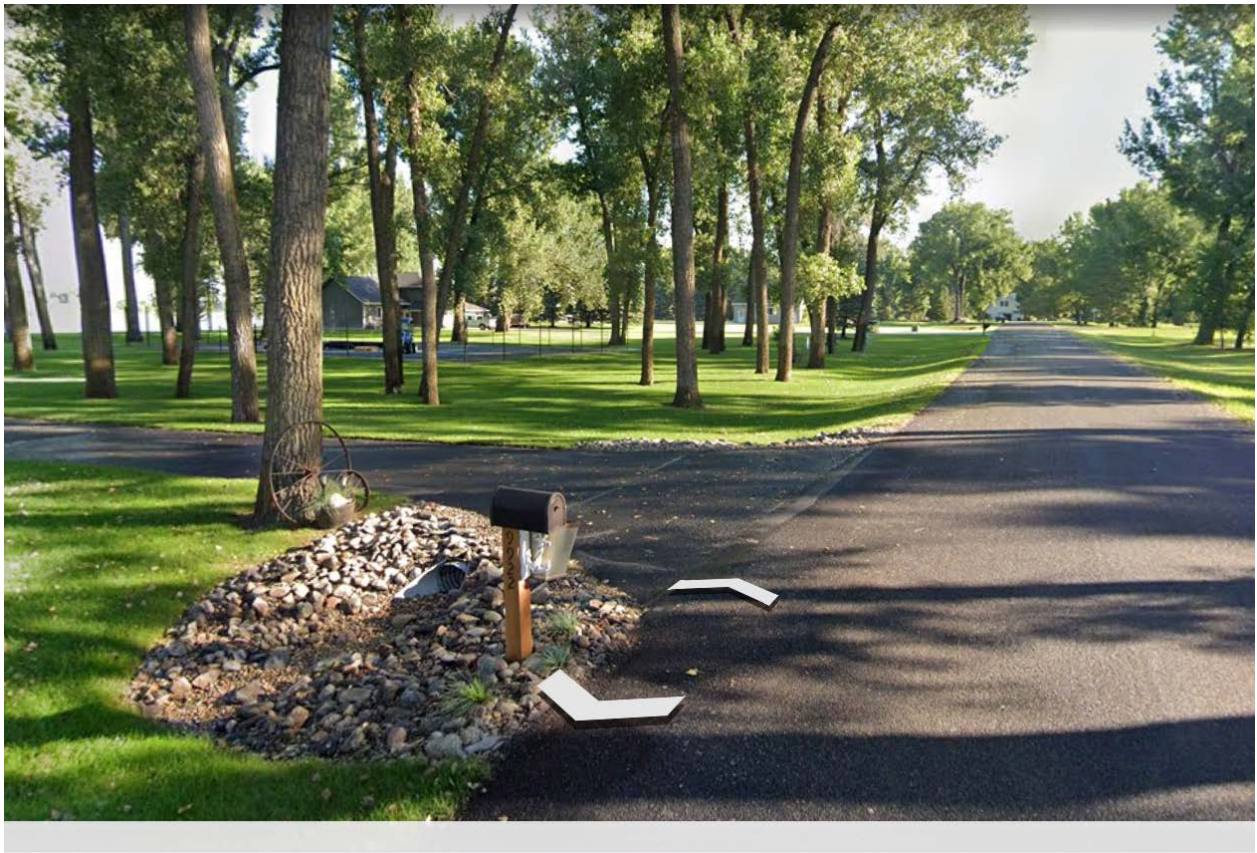


PLANNING AND ZONING
COMMISSION

June 12, 2024

Riverside 3rd Subdivision meets the requirements of the Burleigh County 2014 Comprehensive Plan:

- III Residential Neighborhoods
 - Objective 1 To ensure that the growth of new residential areas and the redevelopment of existing neighborhood should be orderly, systematic and consistent with the need of the County.
 - Objective 2 Encourage the use of sound planning principles and modern practices in subdivision platting and housing market



4-3-4 Street View



Staff Findings:

1. This subdivision fulfills the requirements of Article 33 Section 12 of the Burleigh County Zoning Ordinance.
 - Originally platted in a subdivision
 - Combining three (3) lots to make a 2.22 acre lot
2. Zoning will not be changed.
3. A Stormwater Management Plan Waiver was granted
4. The section line has been vacated
5. The final plat reflects the vacation of the section line.
6. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
7. Property Owner and HOA have come to an agreement on Riverside 3rd Subdivision being included in the covenants for Riverside Subdivisions.



PLANNING AND ZONING COMMISSION

June 12, 2024

Planning Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance Article 33, Section 12. Staff recommends approval of the final plat with a "Do Pass" recommendation to the Board of Burleigh County Commissioners.

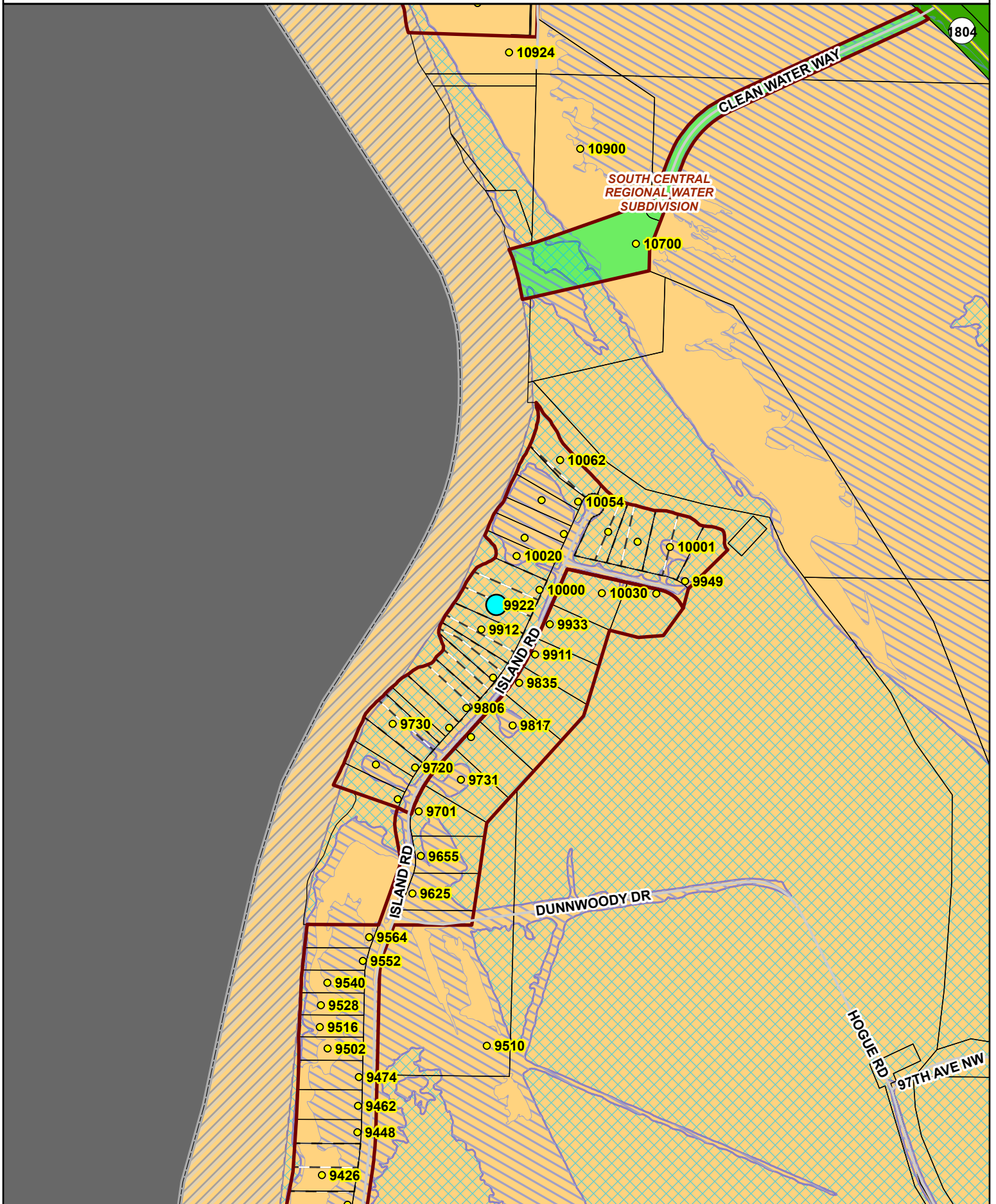
Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat with a "Do Pass" recommendation
2. Approve the final plat with conditions and give a "Do Pass" recommendation after all condition have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

EXHIBITS - RIVERSIDE 3RD SUBDIVISION

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



RIVERSIDE 3RD SUBDIVISION

A PLAT OF LOTS 12,13 & 14, BLOCK 1 OF RIVERSIDE SUBDIVISION

IN SECTIONS 27 & 28, TOWNSHIP 140 NORTH, RANGE 81 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA

EXHIBIT 4-3-2

DESCRIPTION

All that certain real property situated in Lots 12, 13 and 14, Block 1 of Riverside Subdivision in Section 27 and 28, Township 140 North, Range 81 West of the 5th P.M., Burleigh County, North Dakota described as follows:

Beginning at the Southwest Corner of said Lot 12; thence N25°59'07"E, along the west line of said Lot 12, a distance of 100.10 feet to the Southwest Corner of said Lot 13; thence N26°00'01"E, along the west line of said Lot 13, a distance of 215.52 feet to the Northwest Corner of said Lot 14; thence S66°03'18"E, along the north line of said Lot 14, a distance of 300.04 feet to the Northeast Corner of said Lot 14; thence S23°43'27"W, along the east line of said Lot 14 and the westerly right-of-way line of Island Road, a distance of 114.85 feet to the Southeast Corner of said Lot 14; thence S23°51'46"W, along said west right-of-way line, a distance of 200.57 feet to the Southeast Corner of said Lot 12; thence N66°03'18"W, along the south line of said Lot 12, a distance of 312.06 feet to the Point of Beginning and containing 2.70 acres, more or less.

OWNER'S CERTIFICATE

Know all men by these presents: Paul Hartmann and Jeralyn Heiser are the owners of all the land herein platted as Riverside 3rd Subdivision, and that the plat and survey thereof was made at the request of Paul Hartmann for the purpose of establishing the platted subdivision. Paul Hartmann and Jeralyn Heiser also certify that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

They also dedicate easements to run with the land for gas, electric, telephone, water, or other public utilities or services on or under those certain strips of land designated herein as "Utility Easement".

I do dedicate all public rights-of-ways as shown hereon to Burleigh County use forever.

Paul Hartmann _____, 2024
Date _____
Jeralyn Heiser _____, 2024
Date _____

STATE OF _____)
COUNTY OF _____) JSS

On this _____ day of _____, 2024, before me the undersigned officer, personally appeared Paul Hartmann and Jeralyn Heiser, known to me to be the persons described in, and who executed the foregoing instrument and acknowledged that they executed the same.

Notary Public _____

APPROVAL OF COUNTY PLANNING & ZONING COMMISSION

The County Planning and Zoning Commission of Burleigh County, North Dakota, hereby approves the Riverside 3rd Subdivision, as shown on this plat. This plat was done in accordance with the laws of the state of North Dakota, the comprehensive plan and ordinances of the County of Burleigh and regulations adopted by said Planning and Zoning Commission.

The foregoing action of the County Planning and Zoning Commission of Burleigh County, North Dakota, was taken by resolution approved on the _____ day of _____, 2024.

Dennis Agnew, Chairman

Attest: Mitch Flanagan, Building Official-Director

APPROVAL OF BOARD OF COUNTY COMMISSION

The Board of County Commissioners of the County of Burleigh, North Dakota, has approved the subdivision of land as shown on this plat, has accepted the dedication of all streets shown thereon, and does hereby vacate any previous platting within the boundary of this plat.

The plat was done in accordance with the laws of the State of North Dakota, the comprehensive plan and ordinances of the County of Burleigh.

The foregoing action of the Board of County Commissioners of Burleigh County, North Dakota, was taken by resolution approved on the _____ day of _____, 2024.

Brian Bitner, Chair

Attest: Mark Splonskowski, Burleigh County Auditor

APPROVAL OF COUNTY ENGINEER

I, Marcus J. Hall, County Engineer of the County of Burleigh, North Dakota, hereby approve this plat of Riverside 3rd Subdivision, Burleigh County, North Dakota as shown on this plat.

Dated this _____ day of _____, 2024.

Marcus J. Hall, P.E., County Engineer

SURVEYOR'S CERTIFICATE

I, Dayne Solem, a Professional Land Surveyor in and for the State of North Dakota, do hereby certify that at the request of Paul Hartmann, and under his direction, did complete a survey of the property described on this plat as Riverside 3rd Subdivision. The platted subdivision has the numbered lots, locations, dimensions and designations as shown on the plat which is correct to the best of my knowledge and belief. That all monuments shown thereon have been set, and that all dimensional and geodetic details are correct.

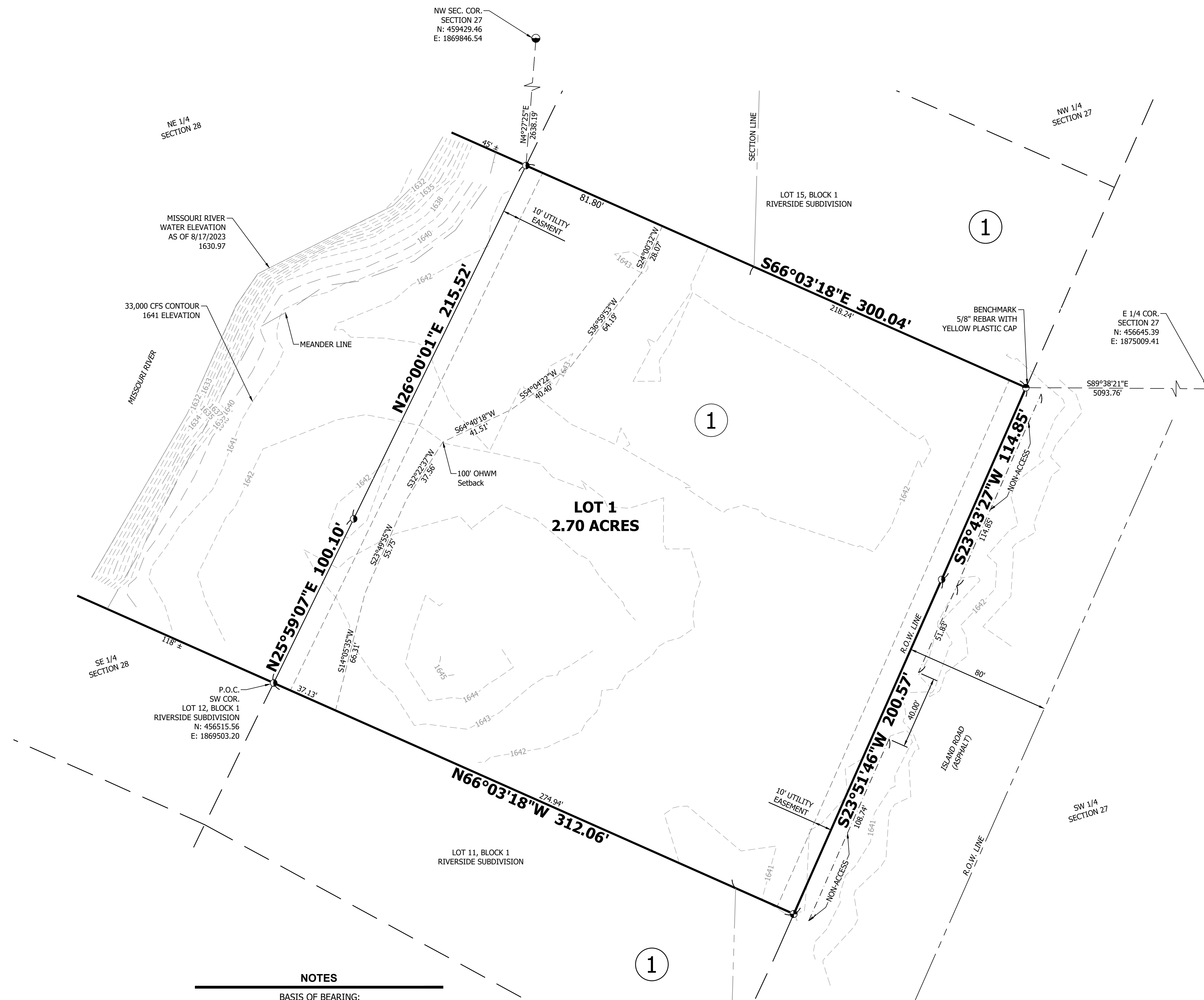
Dated this _____ day of _____, 2024.

Dayne Solem, LS-8423

STATE OF NORTH DAKOTA)
COUNTY OF _____) JSS

On this _____ day of _____, 2024, before me the undersigned officer, personally appeared Dayne Solem, known to me to be the person who is described in, and who executed the foregoing instrument and acknowledged that they executed the same.

Notary Public _____



NOTES

BASIS OF BEARING:
BEARINGS SHOWN ARE GRID BEARINGS BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, NAD 83, SOUTH ZONE INTERNATIONAL FEET

VERTICAL DATUM: NAVD 88

*PROPERTY SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.

FLOODPLAIN INFORMATION

FEMA FLOOD INSURANCE RATE MAP
PRELIMINARY COMMUNITY PANEL NUMBER 38015C0570E
DATED 5/13/2022 - ZONE AE
BASE FLOOD ELEVATION: 1642.50
PER BURLEIGH COUNTY BOARD

OWNER

PAUL HARTMANN & JERALYN HEISER
9922 ISLAND ROAD
BISMARCK, ND 58503

SURVEYOR

DAYNE SOLEM, PLS
BARTLETT & WEST
3456 E. CENTURY AVE
BISMARCK, ND 58503
701-258-1110

LEGEND

- SET 5/8"x18" REBAR W/ PLS CAP
STAMPED "D. SOLEM PLS 8423"
- FOUND IRON MONUMENT W/ LS 2363 CAP
- FOUND 5/8" REBAR
- SECTION CORNER
- COMPUTED CORNER

BENCHMARK

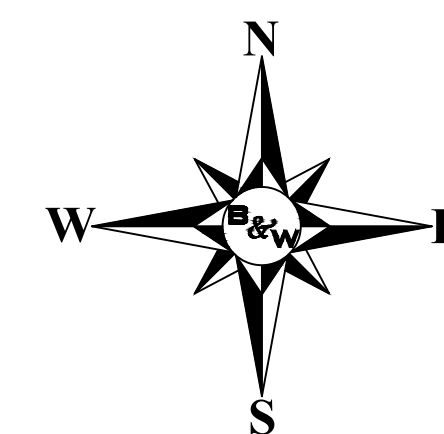
ELEVATION: 1641.12 (NAVD 88)
5/8" REBAR WITH YELLOW PLASTIC CAP
NE CORNER LOT 1 BLOCK 1

AREA

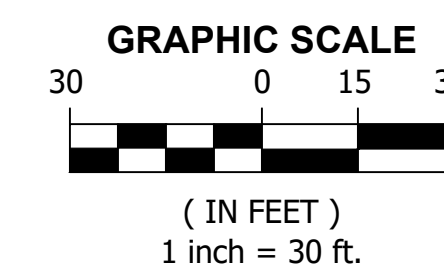
LOTS	117,201 S.F.	2.70 ACRES
STREETS	0 S.F.	0.00 ACRES
TOTAL	117,201 S.F.	2.70 ACRES

ACREAGE

SW1/4 SEC. 27	31,269 S.F.	0.72 ACRES
SE1/4 SEC. 28	85,749 S.F.	1.97 ACRES
NE1/4 SEC. 28	183 S.F.	0.01 ACRES
TOTAL	117,201 S.F.	2.70 ACRES



DATE: JANUARY 18, 2024



Project #21400.000

Prepared By:

Bartlett & West

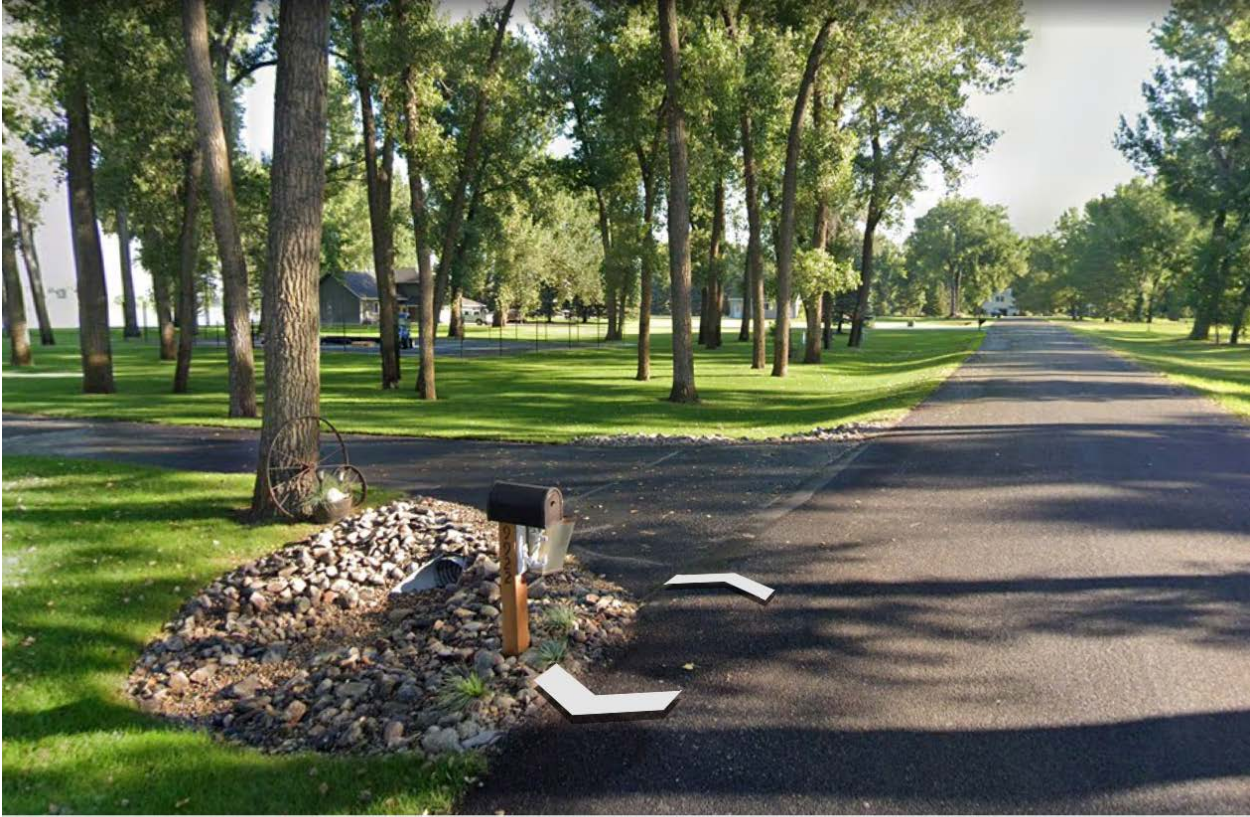
3456 E. Century Ave. Bismarck,
North Dakota 58503 701-258-1110
FAX 701-258-1111 www.bartlettwest.com

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

EXHIBITS 4-3-3

N
6/4/2024





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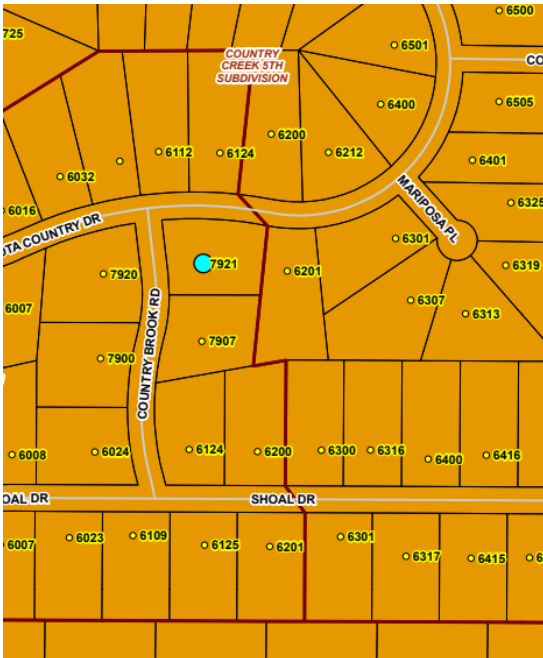
PLANNING AND ZONING
COMMISSION

June 12, 2024

Agenda Item 4-4

Application for a Variance

Project Summary	
Public Hearing Agenda:	Country Creek 3 rd Variance Request 7921 Country Brook Road
Status:	Planning and Zoning Commission – Consideration
Petitioner/Developer	Jacob Hipp, Hopfauf Custom Builders.
Property Owner	Holly Davidson
Location:	Country Creek Third Block 5, Lot 1 Addressed as: 7921 Country Brook Road



As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners



PLANNING AND ZONING
COMMISSION

June 12, 2024

Project Size:		1.492 Acres R1-Rural Single Family Residential
Petitioners Request		Approval of the variance. Give a "Do Pass" recommendation to the Board of Burleigh County Commissioners
Public Hearing Notifications	Bismarck Tribune	May 29 & June 5, 2024
	Burleigh County Website	May 29, 2024
	Surrounding Property Owners	May 29, 2024

History/Description

Jacob Hipp from Hopfauf Custom Builders approached the Burleigh County Building Department wanting to build an accessory building for the property owners. Since the lot is a corner lot, it is considered to have two (2) fronts. One on Country Brook Road and one on Dakota Country Drive. The fronts of the lots require a 40' setback, and the back requires a 50' setback. Because of the two (2) back lots with 50' setbacks it limits the location of the proposed accessory building.

The petitioner would like to change the 50' setback on the east side of the property to 20'. This will allow the builder to set the accessory building away from the house, yet keep within a 15' setback if the east side was considered a side yard.

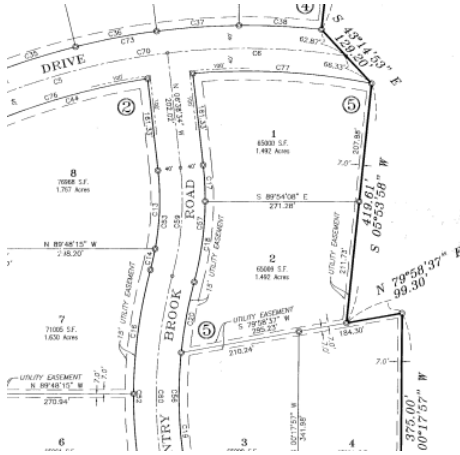
The petitioner has submitted a letter to the Planning and Zoning Commission with a site plan, setback, easements, structures, road specifications, and landscaping.

See Attachment 4-4-2, 3, 4.



PLANNING AND ZONING COMMISSION

June 12, 2024



Attachment 4-4-5 Final Plat

ANALYSIS

The variance request is reasonable and would allow the property owner to use more of the property. The setback of 50' would place the accessory building close to the house. The variance request would still allow 20' from the neighboring property line. 5' more than a normal 15' side yard setback. The variance also allows the property owner to use an established access point. If the accessory building was moved to the northside of the property a second access would need to be granted.



Attachment 4-4-6 Site Map



PLANNING AND ZONING
COMMISSION

June 12, 2024





PLANNING AND ZONING COMMISSION

June 12, 2024

Staff Findings:

1. This variance subdivision fulfills the requirements of Article 28 Variances of the Burleigh County Zoning Ordinance.
2. There are special circumstances or conditions applying to the land – two (2) front setbacks of 40" and two (2) rear setbacks of 50'
3. Strict applications of the ordinances would deprive the applicant reasonable use of the land and buildings.
4. Granting the variance does not affect traffic
5. Granting of the variance does not conflict with the Burleigh County Ordinances.

Planning Staff Recommendation

The petition for a variance meets all administrative requirements of the Burleigh County Zoning Ordinance Article 28. Staff recommends approval of the variance request with a "Do Pass" recommendation to the Board of Burleigh County Commissioners.

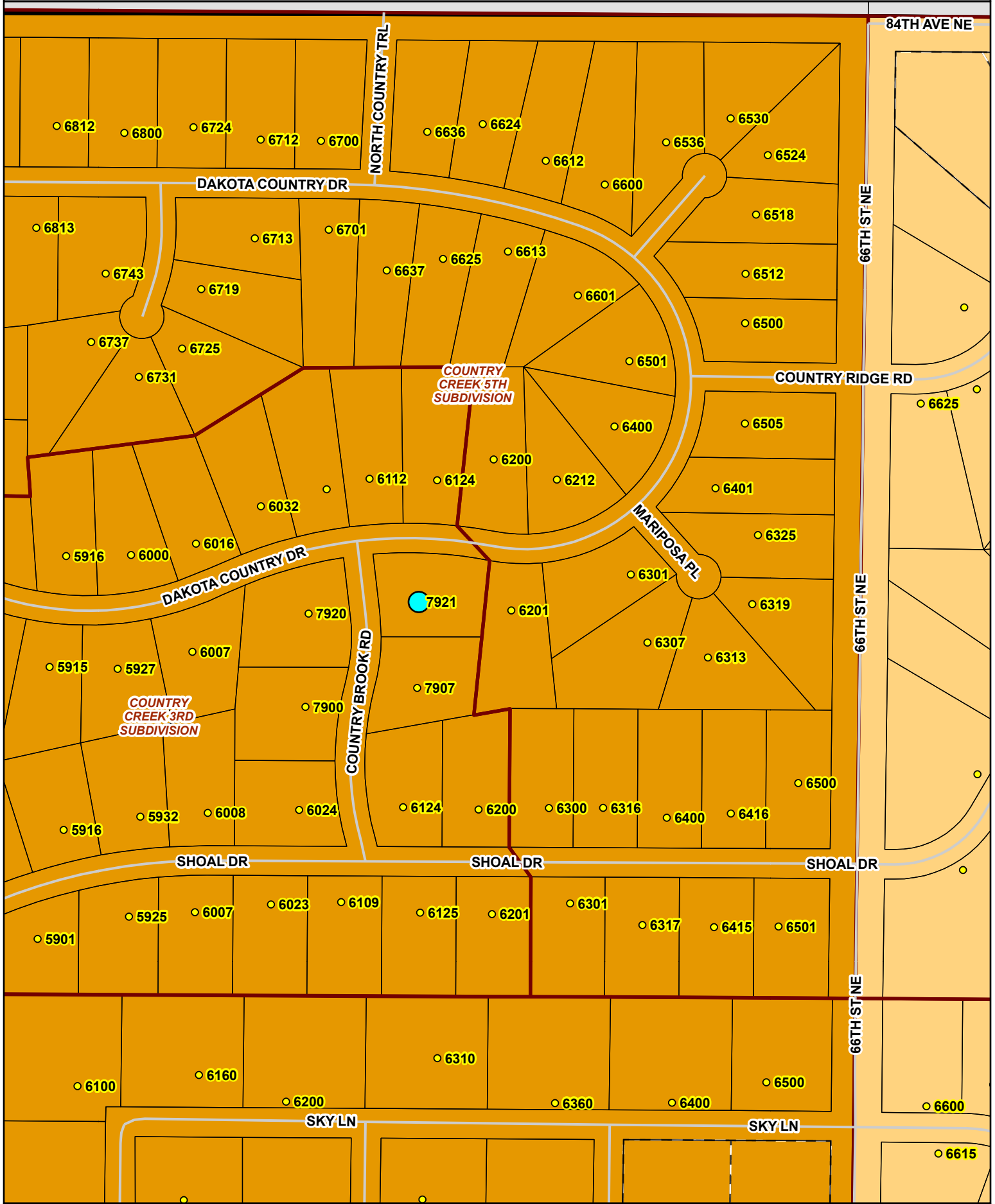
Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the variance with a "Do Pass" recommendation
2. Approve the variance with conditions and give a "Do Pass" recommendation after all condition have been completed.
3. Deny the variance with reason.
4. Table the variance for more information.

EXHIBITS - COUNTRY CREEK VARIANCE

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

May 14, 2024

Subject: Hardship Letter for Variance Application – Request for Lot Setback Modification

Dear Members of the Burleigh County Building Department,

I hope this letter finds you well. I am writing to you today to express my earnest request for a variance regarding the lot setbacks outlined by the Burleigh County Zoning Ordinance and Subdivision Regulations for the property located at 7921 Country Brook Road. After thorough consideration and evaluation of my client's circumstances, I firmly believe that a modification in the setback requirements is necessary due to significant hardship.

The property in question is a corner lot with two 40-foot front setbacks and a 15-foot setback on the south side. However, the setback requirement of 50 feet on the east side poses a substantial challenge in utilizing a significant portion of the lot for the construction of an accessory structure.

The existing setback regulations are imposing severe limitations on their ability to develop the property in a manner that aligns with its full potential. Due to the setback requirements, a large portion of the lot remains unused, hindering our plans to construct an accessory structure that would not only enhance the functionality of the property but also contribute positively to the aesthetics of the neighborhood.

The inability to utilize this space is not only a financial burden but also a source of considerable emotional stress for my client. As responsible property owners, we are eager to make improvements that would not only benefit us but also add value to the surrounding community. However, the current setback requirements are hindering our ability to do so.

Granting a variance in lot setbacks to allow for a reduced setback of 20 feet on the east side would alleviate these hardships and enable my client to responsibly utilize their property. I assure you that any modifications or developments will be carried out in full compliance with all other applicable regulations and standards.

Moreover, it's important to note that granting this variance will not pose any significant adverse effects on the surrounding properties or community. The proposed modification will not compromise the safety, aesthetics, or functionality of the neighborhood.

In conclusion, I respectfully request that you give careful consideration to this application for a variance in lot setbacks. Your understanding and support in this matter would be immensely appreciated and would greatly alleviate the hardships my client is currently facing.

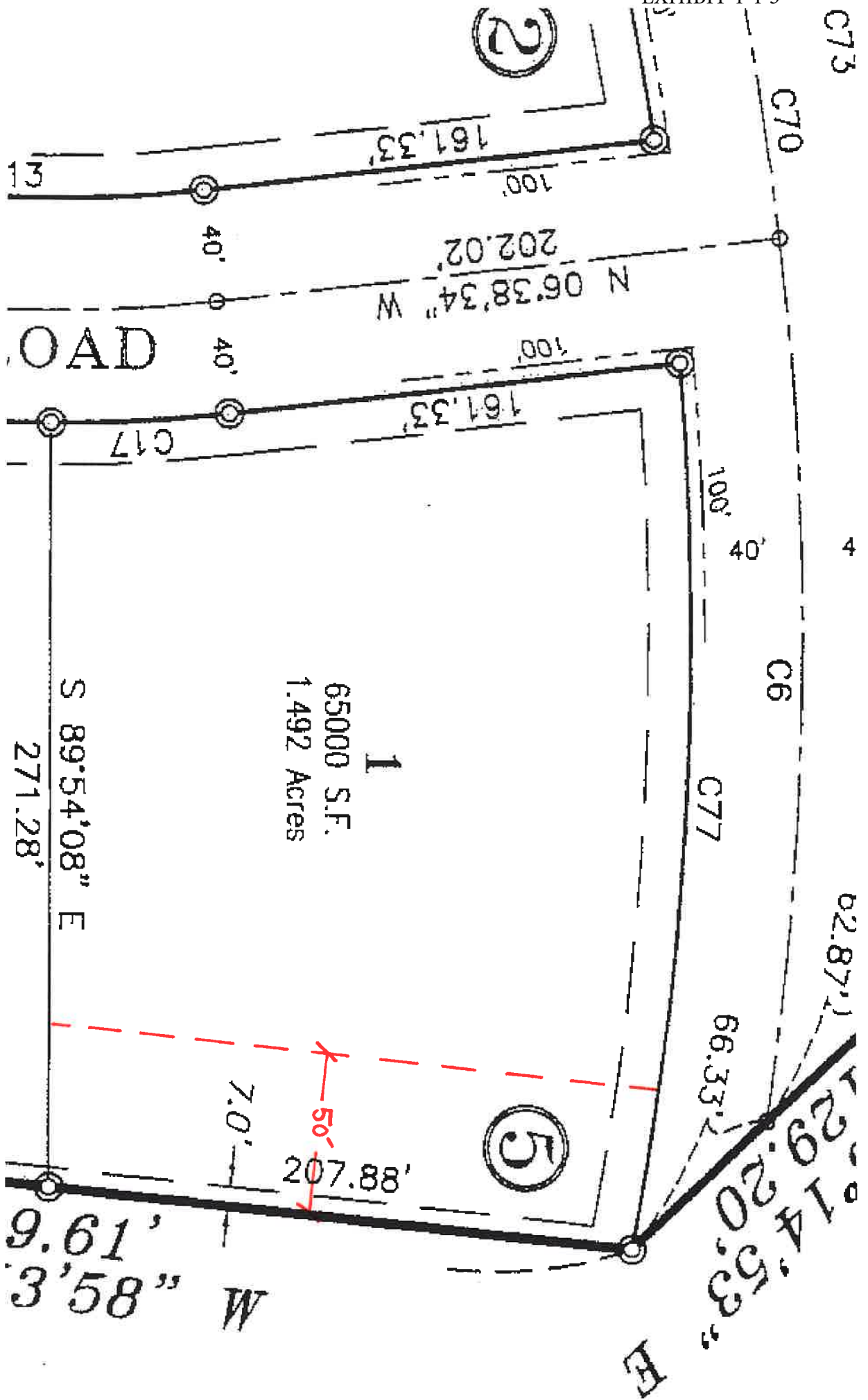
Thank you for taking the time to review my request. Should you require any further information or clarification, please do not hesitate to contact me at 701.663.7691 or jake@hopfaufcustombuilders.com.

Sincerely,

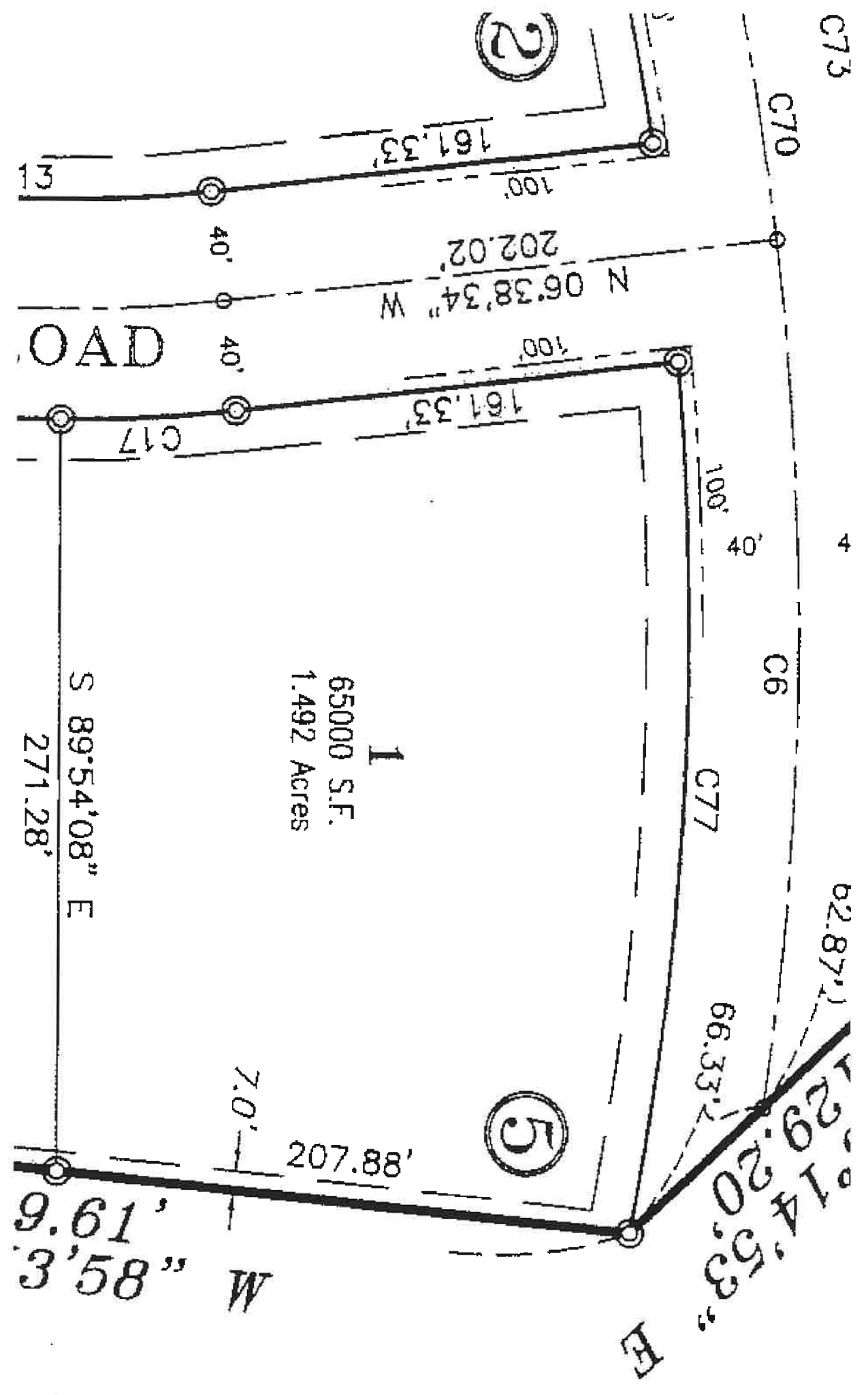
Jacob Hipp

A handwritten signature in black ink that reads "Jacob Hipp". The signature is written in a cursive, flowing style with a large initial "J" and a stylized "H".

Enclosures: Site plan with boundaries, setbacks, easements, structures, road specifications, and landscaping.



- EXISTING SETBACK ON EAST SIDE OF LOT -



C73

C70

4

C6

C77

62.87'

129°14'53"
 29.2053'
 66.33'

E

(2)

(5)

161.33'

202.02'

N 06°38'34" W

161.33'

1
 65000 S.F.
 1.492 Acres

ROAD

S 89°54'08" E
 271.28'

207.88'

9.61'
 3'58" W

7.0'

C17

13

100'

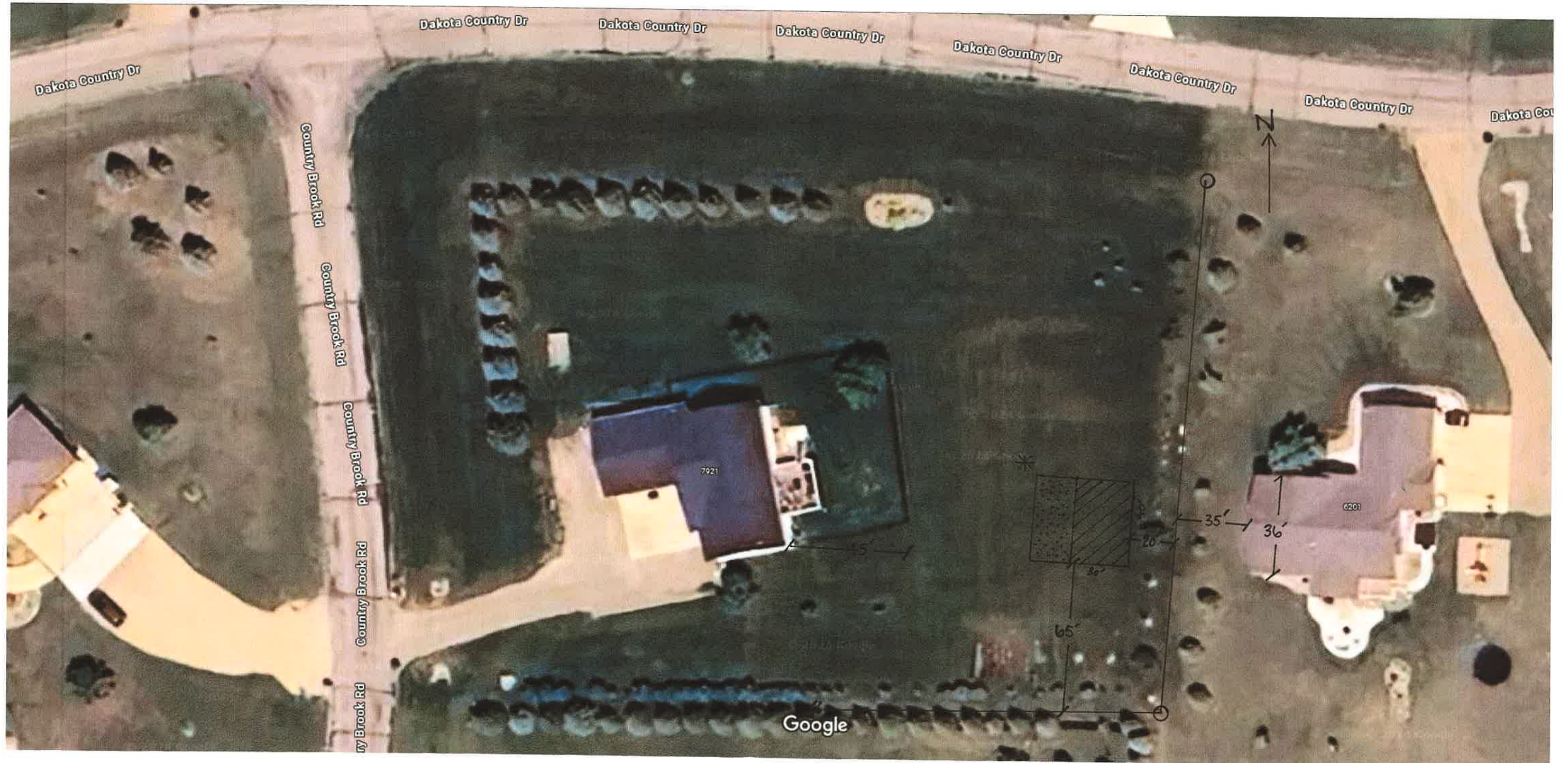
100'

100'

40'

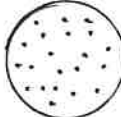
40'

40'



Imagery ©2024 Airbus, Map data ©2024 20 ft

 → ACCESSORY STRUCTURE

 → CONCRETE PAD

* CLIENT IS OPEN TO MOVING STRUCTURE TO THE NORTH TOWARDS FRONT SETBACK

**BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP**

EXHIBIT 4-4-6

N
6/3/2024



