

37-24-4723

MC LEAN COUNTY PERMIT APPLICATION

148-84

CONDITIONAL USE ZONING CHANGE SUBDIVISION PLAT TEMP. USE

Name of applicant: Bruce C Schreiner

Mailing address: PO Box 774

Garrison, North Dakota 58540

Telephone Number (701) 897-1635 (ofc) _____ (res)

Property is located in the S2 Southeast NW SE4 (Quarter), Section 24, Township 148,

Range 84, or more specifically identified as:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, & 15 Schreiner Centennial Second Addition being in the SE 1/4 Section 24, Township 148N, Range 84 West, McLean County, North Dakota.

Purpose of requested change:

Zoning change and Proposed Schreiner Centennial Second Addition

Describe proposed construction:

TBD by buyers

Present land use: Ag Land

Proposed land use: ~~R1 Development~~ Residential

Additional items required to be attached:

- Map of area
- Boundary line survey of site
- Preliminary map showing location of structures NA
- Timing schedule indicating the starting and completion dates. NA
- Written approval of highway authority for new access roads. NA
- Permit application fee in the amount of \$ 750

(MAKE CHECK PAYABLE TO McLEAN COUNTY TREASURER)

RESERVATIONS AND RESTRICTIVE COVENANTS

Schreiner Centennial Addition
As Recorded by Plat Instrument # _____.

TO THE PUBLIC:

This is a Declaration of Reservations and Restrictive Covenants of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, & 15 being in the SE1/4 of Section 24, Township 148 North, Range 84 West, McLean County, North Dakota.

If the owners of such lots or any of them, or their heirs or assigns shall violate any of the covenants hereinafter set out, it shall be lawful for any other person owning real property situated in such addition to prosecute any proceedings at law or in equity against the person or persons violating any such covenants, and either to prevent his from doing so or to recover damages for such violation, or both.

1. **PURPOSE:** The purpose of these restrictions is to insure the use of the property for attractive residential purposes only, to prevent nuisances, to prevent the impairment of the attractiveness of the property, and to maintain the desired tone of the addition and thereby to secure to each site owner the full benefits and enjoyment of his home or cottage, with no greater restriction of the free and undisturbed use of the site than is necessary to insure the same advantages to the other site owners.

The public services (Water, RV dump, and public trash receptacles, etc.) at the neighboring Centennial Park are not available for use for the owners or guests of this development unless provided through an agreement with the park and the lot owners association. Violators will be assessed fines and restricted from access to the park. Public services such as lake access are provided under the same public use provisions available to the public.

2. **DURATION:** All and each of these restrictions, conditions, and covenants herein are to run with the land and shall be binding on all parties and all persons claiming under them until such time as they may be changed by the owner of the property in the area by a correct legal procedure.
3. **COVENANTS AND IMPROVEMENTS:** All lots conveyed are conveyed as unimproved property without any obligation on the part of the Grantor to improve the same.
4. **RESIDENTIAL RESTRICTION:** No structure shall be erected, altered, or placed on any lot or tract other than one detached, single-family dwelling not exceeding two (2) stories in height, except that this shall not preclude the erection, location, or maintenance of other customary or necessary structures accessory to the dwelling and as recreational use. No building shall be erected closer than Thirty (30) feet from the front or back property line, fifteen (15) feet from the side. If more than one lot is owned by the same party and is adjacent to each other, the side setback is not applicable on the common ownership line. All detached buildings shall be constructed with straight walls and the exterior of such a building shall be a neutral color, no silver metal. One detached storage building, not larger than 3,000 sq. ft., one story; with sidewalls, not to exceed 14' in size may be constructed. Manufactured homes are not permitted

on any of the lots of the Schreiner Centennial Addition unless they are at least twenty-four (24) feet wide and ten (10) years or newer, and in good condition at time of placement. Manufactured homes are to be placed on a permanent foundation, or on permanent piers to meet conventional financing requirements. All manufactured homes must be skirted with proper coloring coordinated with the home.

5. **RECREATIONAL USE:** One (5th Wheel or Conventional Travel Trailer or Park Model) may be used for recreational purposes only, not as a permanent dwelling. The camper shall be used as a temporary dwelling by the owner of the property only. The area around/ under the camper shall be maintained as if the camper was not present. Concrete pads or rocked pads are permitted. Gray/ black sewage must be held in a holding tank or dumped into an approved septic drain system. Guest campers shall be limited to 1 unit and not for more than 16 days (cumulative) during the camping season (May-October). The intent of this guest provision is to allow normal family/friend gatherings to occur as found at all lake property developments in the area.
6. **SUBDIVISION:** In accordance with the foregoing restriction limiting the number of dwellings on each lot, no subdivision of any lots shall be permitted.
7. **DWELLING QUALITY AND SIZE:** No building shall be erected, altered, or placed or permitted on any lot unless design, location, materials, and workmanship is in harmony with existing structures and locations in the tract and does not violate any Restrictive Covenants. In any case, no dwelling shall have a ground floor square foot area of less than one thousand (1,000) square feet in the case of a one-story structure, nor have a ground floor square foot area of less than seven hundred (700) square feet in the case of a one and one-half or two-story structure.
8. **LIVESTOCK AND ANIMALS:** No form of livestock other than dogs and cats may be kept by an owner on any tract within the addition, and all dogs and cats shall, if requested by the owners of the other lots on the property, be restricted to the owner's premises and maintained on a leash so as not to run at large at any time. All pets are to be controlled so that they do not disrupt the enjoyment of the area by other lot owners. No livestock or poultry shall be kept or maintained on any of the lots. The commercial breeding and sales of any animal, including dogs and cats, is forbidden upon any lot or tract.
9. **RESTRICTIONS AGAINST POLLUTION:** No building shall be constructed unless a permit shall have been received as may be required by the Zoning Regulations of McLean County, North Dakota. No septic tank or means of sanitary disposal shall be constructed, used, or maintained unless the same meets with the requirements of all state and local health laws, rules, and regulations and in no event shall any person undertake or permit any use of this property which would be dangerous to the health of any other person residing in the area. All leach and drain fields and septic tanks shall be designed according to the State Health Department requirements.
10. **GRADING:** Neither Grantee nor any person or persons claiming under him shall or will at any time raise the grade of any lot or lots herein above the grade established or to be established by the Grantor.

11. **NUISANCES:** No lot shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property or thing that will cause such lot to appear unclean or untidy condition or that will be obnoxious to the eyes, or shall any substance things, or material be kept upon any lot that will emit foul or obnoxious odors or that will cause any noise that will cause or might disturb the peace, quiet, comfort or serenity of the occupants of surrounding property. Unsightly storage of old cars, junk, trash, and unlicensed vehicles are prohibited on any lots. Residents must contract with garbage service for collection of household garbage.
12. **SIGNS:** No signs of any kind shall be displayed to the public view on any lots except one professional sign of not more than (1) square foot, one sign of not more than (5) square feet advertising the property for sale or rent, or signs used by the developer to advertise the property during the contraction and sales period only.
13. **SCHREINER CENTENNIAL LOT OWNERS ASSOCIATION:** All owners of lots within the Schreiner Centennial Addition are required to be member of the Schreiner Centennial Lot Owners Association. The purpose of these dues is to provide monies to assist with future road maintenance. Funds can only be spent upon written approval of 60% of the membership.
14. **ROAD MAINTENANCE:** The roads within this development are dedicated as private. Post installation maintenance is the responsibility of the owners of this development, neither the county nor township have any obligation. Costs of such maintenance may come from funds from the lot owners as defined by the rules of the Schreiner Centennial Lot Owners Association.
15. **APPROACH ACCESS:** Each lot owner is responsible for installing their own approach into their lot; owner must file for permit with McLean County. To ensure that drainage is not adversely affected all approaches must have a culvert with a minimum size of 12 to 14" in diameter. Driveway should be a minimum of 20' in width to accommodate fire and emergency access. No approaches other than as designated on the plat may be installed to the County access road. All lot access shall be from roadways within the development.
16. **TREES:** Trees planted on the lot must be setback from the edge of the county road at least 75 feet to act as a living snow fence.
17. **RURAL WATER:** Each lot owner must reimburse Garrison Rural Water for the cost of the infrastructure at the rate of \$5,200.00 per lot and pay the required membership dues.
18. **MODIFICATIONS OF RESTRICTIONS:** The Covenants, Agreements, Conditions, Reservations, and changes created and established herein for the benefit of Schreiner Centennial Addition or any portion thereof with written consent of the owners of sixty percent (60%) of the lots (each lot has one vote) in Schreiner Centennial Addition. No such waiver, termination, or modification shall be effective until the proper instrument, in writing, shall be executed and recorded in the office of the County Recorder, McLean County, State of North Dakota; provided, however, that no such modification shall be effective or recorded prior to the time that the same has been submitted in writing to the McLean County Zoning Board and the same has been approved by the government agency or its successors.

19. **OIL AND MINING OPERATIONS:** No oil drilling, oil development, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations, or shafts be permitted upon or in any lot. No derrick shall be erected, maintained, or permitted on any of the lots.
20. **ENFORCEMENT:** These Restrictions shall operate as Covenants running with the land for the benefit of any and all persons who now or may own, or who may hereafter own, property in Schreiner Centennial Addition, and such persons are specifically given the right to enforce these restrictions through any proceedings, at law or in equity, against any person or persons violating or threatening to violate such restrictions, and to recover any damages suffered by them for any violations thereof.
21. **PARTIAL INVALIDITY:** If any Covenants or condition or restriction herein above contained, or any portion thereof, is invalid or void, such invalidity or void shall in no way affect any other covenant, condition, or restriction.

IN WITNESS WHEREOF, the owners have caused these presents to be signed this _____ day of _____, 2022.

Bruce C. Schreiner

Susan J. Schreiner

Jennifer L. Dingmann, by Bruce C. Schreiner
as Attorney-in-Fact

Angela D. Roles, by Bruce C Schreiner as
Attorney-in-Fact

Nicholas J. Schreiner

STATE OF NORTH DAKOTA)
)ss
COUNT OF McLean)

On this _____ day of _____, 2022 before me personally appeared Bruce C. & Susan J. Schreiner, known to me to be the person who is described in and who executed the within and foregoing instrument and severally acknowledged that they executed the same.

Notary Public
My commission expires: _____

STATE OF NORTH DAKOTA)
)ss
COUNT OF McLean)

On this _____ day of _____, 2022 before me personally appeared Bruce C. Schreiner, as Attorney-in-Fact for Angela D. Roles a/k/a Angela Roles, a married person known to me to be the person who is described in and who executed the within and foregoing instrument, and severally acknowledged that he executed the same.

Notary Public
My commission expires: _____

STATE OF NORTH DAKOTA)
)ss
COUNT OF McLean)

On this _____ day of _____, 2022 before me personally appeared Bruce C. Schreiner, as Attorney-in-Fact for Jennifer L Dingmann a/k/a Jennifer Dingmann, a married person known to me to be the person who is described in and who executed the within and foregoing instrument, and severally acknowledged that he executed the same.

Notary Public
My commission expires: _____

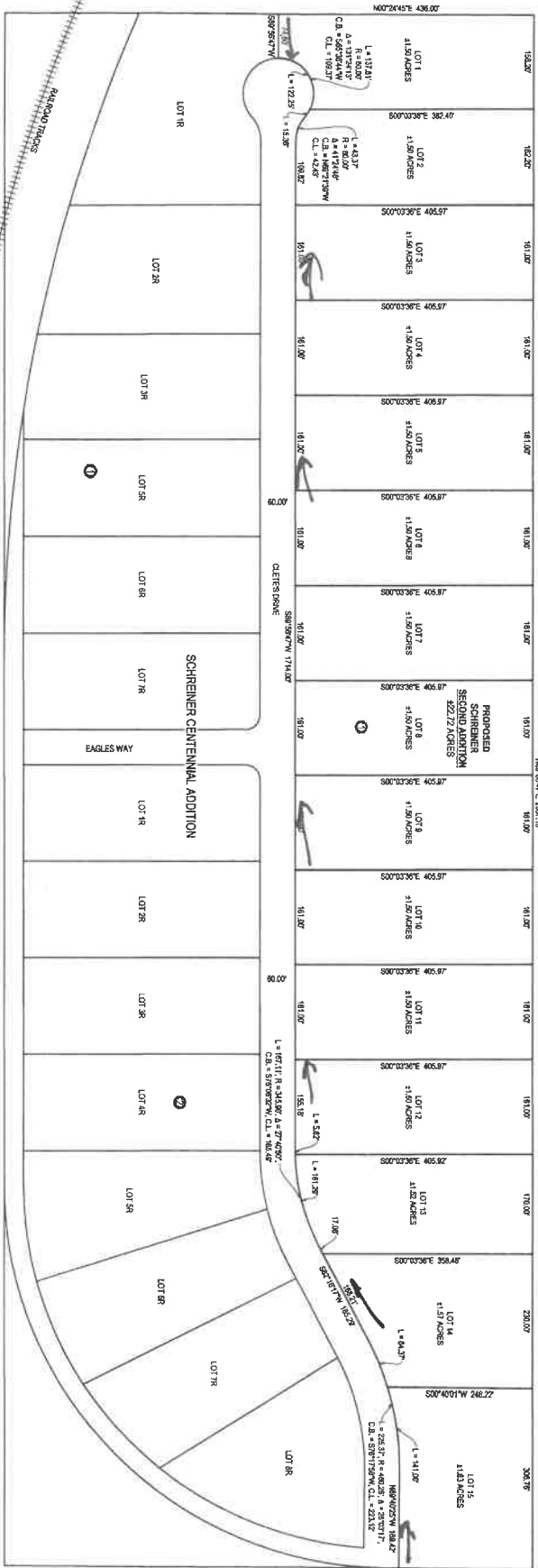
STATE OF NORTH DAKOTA)
)ss
COUNT OF McLean)

On this _____ day of _____, 2022 before me personally appeared Nicholas J. Schreiner, known to me to be the person who is described in and who executed the within and foregoing instrument and severally acknowledged that he executed the same.

Notary Public
My commission expires: _____

PROPOSED SCHREINER CENTENNIAL SECOND ADDITION
 LOCATED WITHIN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF
 SECTION 24, TOWNSHIP 148 NORTH, RANGE 84 WEST OF THE 5TH P.M.,
 McLEAN COUNTY, NORTH DAKOTA

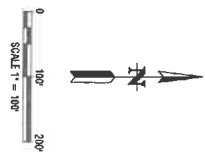
**PRELIMINARY - NOT
 INTENDED FOR RECORDATION
 THIS PLAT IS FOR CONCEPTUAL
 PURPOSES ONLY**



Back setback
30'
Side setback
15'
Front
setback
30'

221922 M.25141.008
10' utility
Easement
MBC
CPU
RTG

- SURVEYOR'S NOTES:**
1. THIS PLAT IS BASED OFF OF A DRAWING THAT WAS PROVIDED TO US AND MUST BE CONSIDERED APPROXIMATE. BEARINGS AND DISTANCES HAVE BEEN SCALED TO BEST-FIT PREVIOUS DRAWINGS AND PLATS.
 2. NO FIELD SURVEY WORK WAS PERFORMED FOR THE CREATION OF THIS PLAT. THIS PLAT IS INTENDED FOR CONCEPTUAL PURPOSES ONLY.



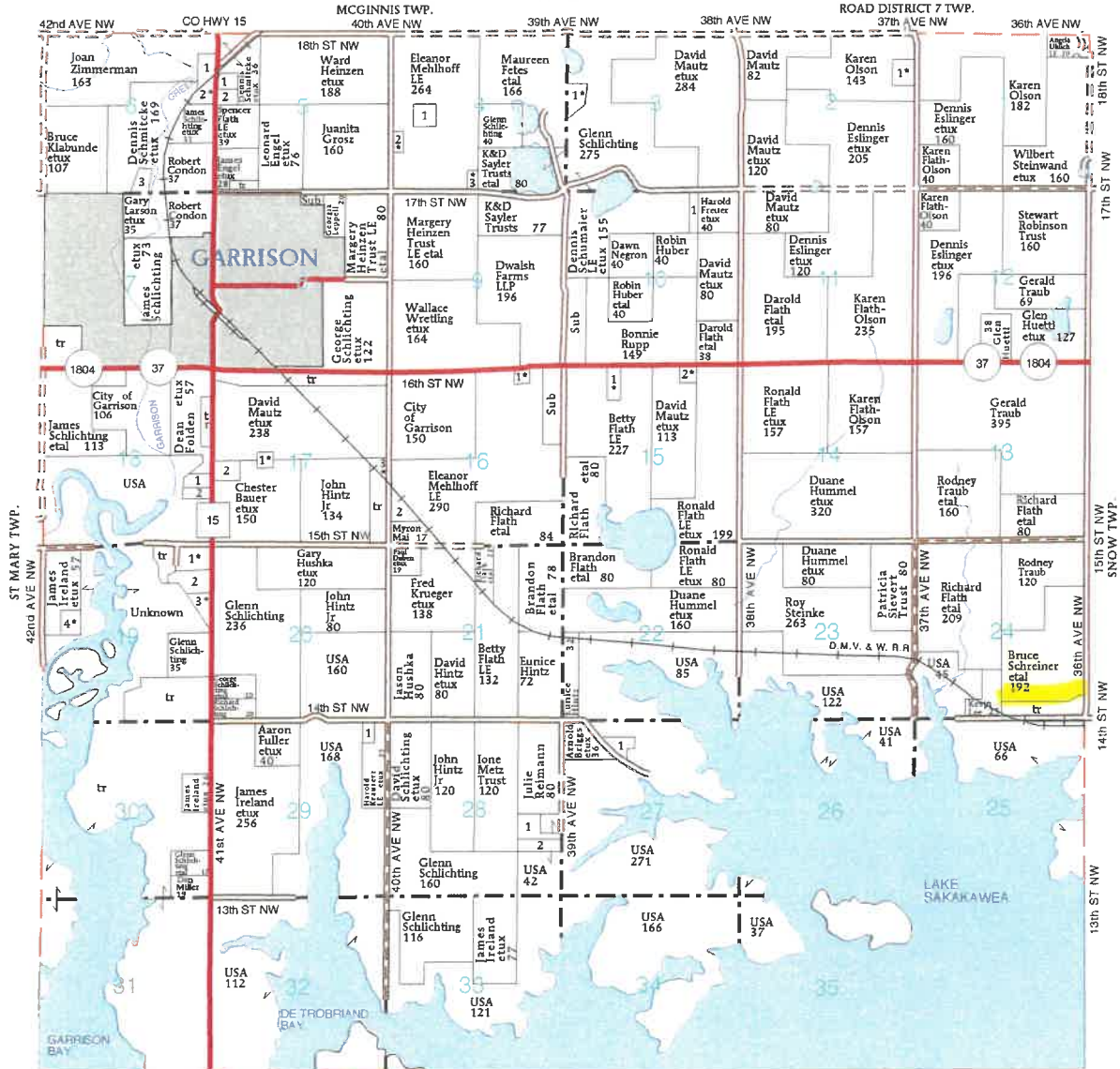


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T-148-N

ROAD DISTRICT 11 PLAT

R-84-W



ROAD DISTRICT 20 TWP.

- ROAD DISTRICT 11**
TOWNSHIP
SECTION 2
 1. Boger, Danny etux 14
SECTION 3
 1. Morris, Rodney etux 10
SECTION 4
 1. Westman, Gordan 10
 2. Bendickson, Brian etux 5
 3. Fetzer, Rick etux 5
SECTION 5
 1. Schmitz, Barbara 7
 2. Schmitz, Becky 7
SECTION 6
 1. Schmitz, Brandon 10

2. Baber, Joe etux 9
 3. Koelzer, Robert 8
SECTION 10
 1. Proell, Amy 5
SECTION 15
 1. Flath, Richard etal 30
 2. Larson, Brent etux 5
SECTION 16
 1. Bauer, John etal 6
 2. Hansen, Paul 10
SECTION 17
 1. Folden, Paul etux 6
 2. Huett, Robert 10
 3. Andrews, Jeremy etux 6
SECTION 18
 1. Rud, Dave 7

2. Bayside Properties LLP 6
SECTION 19
 1. Philbrick, Leon etux 20
 2. Schliching, Glenn 16
 3. Affeldt, Roger etux 9
 4. Stockdill, Rodney etux 10
SECTION 27
 1. Reimann, Julie 6
SECTION 28
 1. Wolken, Joseph 16
 2. Reimann, Julie 14
SECTION 29
 1. Krausert LE, Harold 5



Enter Map Title...

Web Print: 07/13/2022



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MCLEAN COUNTY VARIANCE APPLICATION

47-4161-9

149-80

Horseshoe Valley

Name of Applicant: Shannon & Kari Cree

Name of Owner (if different: _____)

Mailing Address: 2401 72nd St NW Minot, ND 58703

Daytime phone number: 701-340-1150(Shannon) or 701-340-2567(Kari)

Location of property:

Lot(s) 9 Block _____ Subdivision Paradise Retreat

OR _____ in _____ (Quarter)

Section 2 Township 149 North Range 80 West

The above-named applicants seek a variance for the following purpose:

Property: Cabin is also known as #38, Strawberry Lake, Ruso ND.

Requesting variance removed to allow for the new construction build of lake cabin.

Describe proposed construction of buildings constructed on site:

5' North of the

The current cabin will be removed. The new cabin will be placed ~~along same~~ property line as ~~where the current cabin sits.~~

which would be 4' from where the current cabin sits.

DH
JH

Variance is requested for placement of new cabin closer than 25' from the front ~~lot~~ lot line (will be 13' from the road) and the side lot lines (will be 5' from south side lot line and 11' from north lot line).

The applicant is required to:

- submit a site plan showing the lot and the requested distances to the lot lines;
- attend the Planning and Zoning Meeting for the variance request and County Commission Meeting, if requested (see schedule for dates);
- pay all costs associated with the newspaper publication(s); and,
- obtain authorizing signatures from all affected property owners (see back of application).

PROPERTY OWNER AUTHORIZATION:

Property Owner I

I (property owner) Jeff or DelRae Hedstrom authorize (applicant's name) Shannon & Kari Cree to file this application on all matters relating to this request with McLean County. By signing this form as the property owner, I hereby agree to abide by any and all conditions that may be assigned by the McLean County Board of Commission and McLean County Planning and Zoning Commission as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

JeFC Hedstrom, DelRae Hedstrom #37 701-833-6810
Printed Name of Property Owner Phone Number
Jeff Hedstrom Del Rae Hedstrom #37 7-27-2002
Signature of Property Owner Date

New Cabin must
Be No closer to
the Property
Line than Street

Property Owner II

I (property owner) Jim or Dianne Heidrich authorize (applicant's name) Shannon & Kari Cree to file this application on all matters relating to this request with McLean County. By signing this form as the property owner, I hereby agree to abide by any and all conditions that may be assigned by the McLean County Board of Commission and McLean County Planning and Zoning Commission as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

JAMES & DIANNE HEIDRICH #39 701-721-4039
Printed Name of Property Owner Phone Number
James Heidrich Dianne Heidrich #39 7-28-22
Signature of Property Owner Date

DH-
JH

Property Owner III

I (property owner) Shane or Tonya Miller authorize (applicant's name) Shannon & Kari Cree to file this application on all matters relating to this request with McLean County. By signing this form as the property owner, I hereby agree to abide by any and all conditions that may be assigned by the McLean County Board of Commission and McLean County Planning and Zoning Commission as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

SHANE Miller, Tonya Miller 701-224-4391
Printed Name of Property Owner Phone Number
Dr. Miller Tonya Miller #40 7-28-2022
Signature of Property Owner Date

Property Owner IV

I (property owner) Michael or Mary Littler authorize (applicant's name) Shannon & Kari Cree to file this application on all matters relating to this request with McLean County. By signing this form as the property owner, I hereby agree to abide by any and all conditions that may be assigned by the McLean County Board of Commission and McLean County Planning and Zoning Commission as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

Printed Name of Property Owner Phone Number

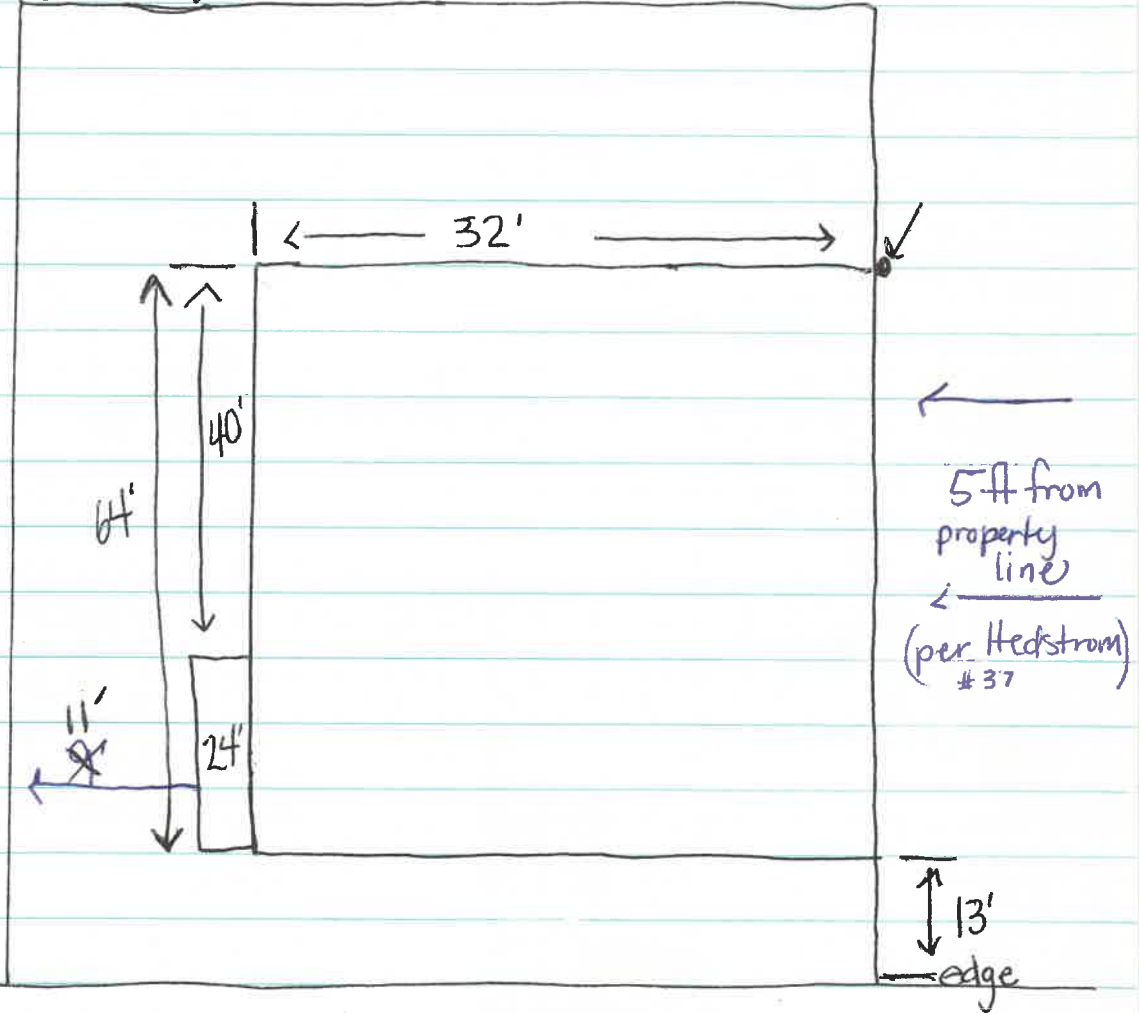
Signature of Property Owner Date

New Cabin - south view

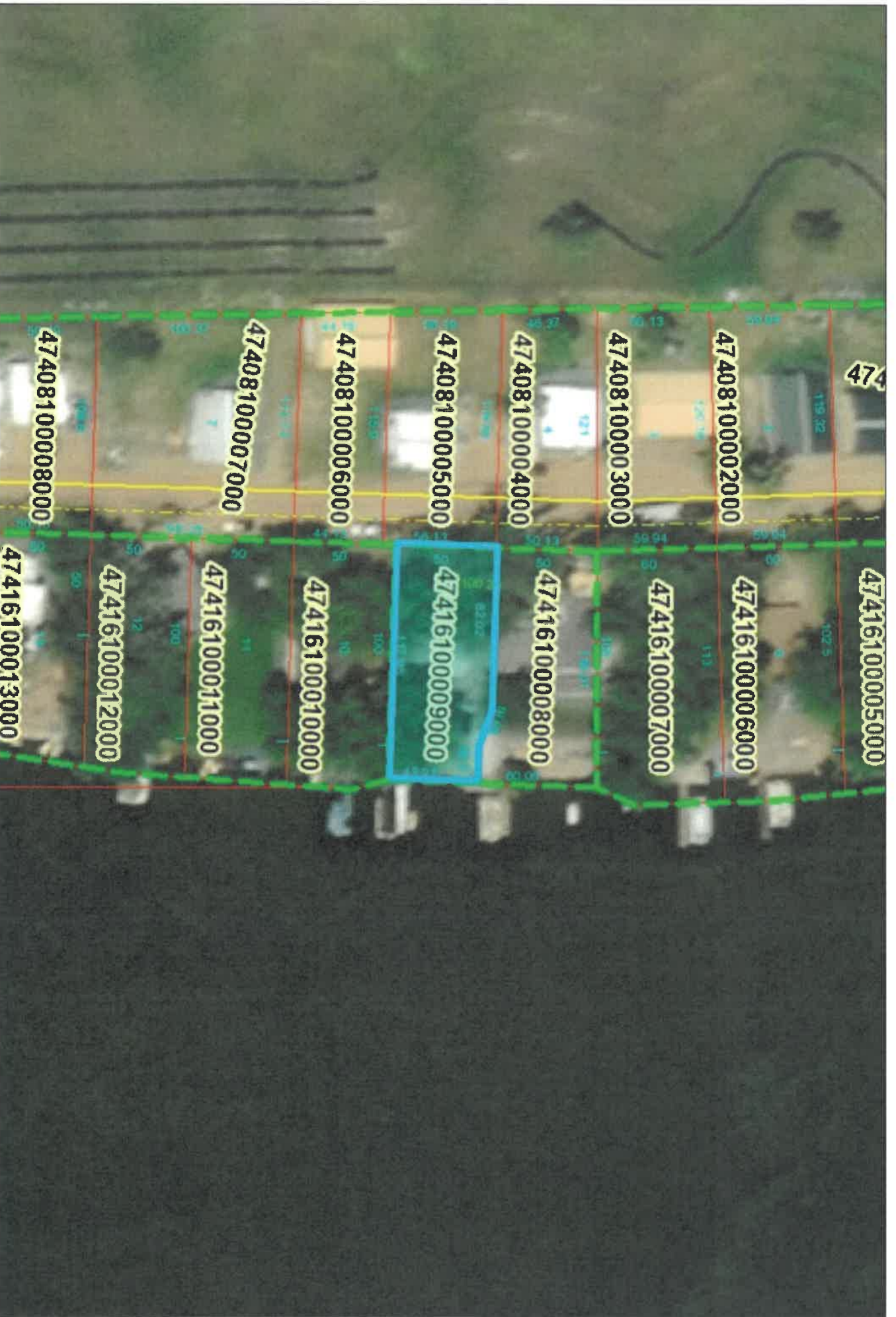
Lot 9 Paradise Retreat

- lake -

Section 2
township: 149N
range: 80W



road



474

47416100005000

47408100002000

47416100006000

47408100003000

47416100007000

47408100004000

47416100008000

47408100005000

47416100009000

47408100006000

47416100010000

47408100007000

47416100011000

47408100008000

47416100012000

47416100013000

Enter Map Title...

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