

Board of Adjustment

MEETING AGENDA August 7, 2025

Tom Baker Meeting Room	City-County Office Building	5:00 PM
Lower level	221 North 5th Street	

The City of Bismarck is encouraging citizens to provide their comments via email to planning@bismarcknd.gov. The comments will be sent to the Board of Adjustment members prior to the meeting and included in the minutes of the meeting. To ensure that comments are compiled and forwarded to the Board of Adjustment with enough time to review all comments, please submit your comments no later than 12 noon the day of the meeting. Comments should also include which agenda item number or topic your comment references and your name (anonymous comments will not be forwarded to the Board of Adjustment members or included in the minutes of the meeting). If you would like to appear via video or audio link for a 3-5-minute comment on a public hearing item, please provide your e-mail address and contact information to planning@bismarcknd.gov at least one business day before the meeting.

1. APPROVAL OF MEETING MINUTES

- A. Consider approval of minutes of the April 3, 2025 meeting

2. REGULAR AGENDA

- A. **McKenzie and Coffin's Addition**
Block 67, Part of Lot 25, all of Lot 26, and Part of Lot 27
Variance from Section 14-04-07(5) of the City Code of Ordinances (RM – Residential)(Lot Width) and from Section 14-03-05(4)(b) of the City Code of Ordinances (Supplementary Provisions)(Location of Residential Accessory Buildings) | VAR2025-005

3. OTHER BUSINESS

- A. Introduction of Public Comment Policy

4. ADJOURN

- A. The next meeting of the Bismarck Board of Adjustment is scheduled for September 4, 2025.

**BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES
April 3, 2025**

The Bismarck Board of Adjustment met on April 3, 2025, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 N 5th Street.

Board members present were Al Wangler, Curt Janssen, Rick Wohl and Chris Seifert.

Board member attending remotely was Jennifer Clark.

Staff members present were Jenny Wollmuth – Senior Planner, Brady Blaskowski – Building Official, Daniel Nairn – Planning Manager, and Tracy Walters – Office Assistant II.

MINUTES:

Chair Seifert called for approval of the minutes of the March 6, 2025, meeting of the Board of Adjustment.

MOTION: A motion was made by Mr. Wangler to approve the minutes of the March 6, 2025, meeting with a change to page seven (7) to change sixteen (16) square feet to sixteen (16) feet. The motion was seconded by Mr. Janssen to approve the minutes with the recommended change. Board Members Wangler, Wohl, Clark, Janssen, and Chair Seifert all voted in favor and the minutes were approved.

VARIANCE FROM SECTION 14-04-03(7) OF THE CITY CODE OF ORDINANCES (R5 — RESIDENTIAL / FRONT YARD) WACHTER’S SEVENTH ADDITION, BLOCK 3 LOT 1 (1607 SOUTH RENO DRIVE).

Ms. Wollmuth stated that Grant Helm is requesting approval of a variance from Section 14-04-03(7) of the City Code of Ordinances (R5 – Residential / Front Yard) on Lot 1, Block 3, Wachter’s Seventh Addition to reduce the front yard setback. The proposed variance is located in south Bismarck, south of East Bismarck Expressway and west of South Washington Street, southeast of the intersection of Cologne Drive and South Reno Drive.

Ms. Wollmuth also stated that at the Board of Adjustment meeting on March 6, 2025, the Board tabled a variance request to reduce the front yard setback from twenty-five (25) feet to sixteen (16) feet for this property in order to provide the applicant additional time to review the building plans that would reduce or negate the proposed variance. She also stated that Mr. Helm has confirmed with Staff that he has altered his building plans and is proposing to reduce his initial variance request. The revised request is to reduce the required front yard setback along the north side of the property from twenty-five (25) feet to twenty (20) feet.

Ms. Wollmuth stated the public has been duly notified of this request. Forty-eight (48) post cards were mailed to the owners of nearby properties on February 21, 2025. We have received phone inquiries, one noted that they were not in favor of the request and the others did not have a preference.

Ms. Wollmuth explained that pursuant to Section 14-06-02 of the City Code of Ordinances, the Board of Adjustment may vary or adjust the strict application of any of the requirements of the

zoning ordinance in case of an exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical condition, by reason of which the strict application of the provisions of the zoning ordinance would result in an unnecessary hardship that would deprive the owner of a reasonable use of land or building involved, but in no other case.

No adjustment in the strict application of any provisions of the zoning ordinance shall be granted by the Board of Adjustment unless it finds the following:

- That there are special circumstances or conditions that apply to the land or buildings that do not apply generally to land or buildings within the neighborhood and have not resulted from any act of the applicant.
- That the strict application of the provisions of the zoning ordinance would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant.
- That the grant of the variance will be in harmony with the general purposes and the intent of the zoning ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- A variance granted under this chapter must be put into use within 24 months of the granting of the variance or it shall lapse and the landowner must re-apply.

Ms. Wollmuth stated the applicant has submitted a written statement that identifies their anticipated hardship and explains why they believe the variance should be granted. Ms. Wollmuth also stated that if the Board chose to approve the variance as proposed, that Staff asks that they identify a hardship and modify the review standards or findings. She stated that the applicant is here to answer any questions, but before they approach the Board, she asked if the Board had any questions for her.

Seeing no questions for Ms. Wollmuth, Chair Seifert invited the applicant to come forward at this time.

Grant Helm stated that his property is located on a narrow corner lot and he is asking the Board for a variance to encroach into the twenty-five (25) foot front yard setback. He stated his request would be for the Board to approve a twenty (20) foot front yard setback to build an addition onto his house. A site plan exhibit of the request was shown to the Board at this time. Mr. Helm asked if the Board had any additional questions for him.

Mr. Janssen asked if Mr. Helm if he was planning on building above the garage as part of the addition on the house.

Mr. Helm replied yes, that is correct. He stated that his intentions are to build above the garage as well as to extend the addition an additional five (5) feet into the twenty-five (25) front yard setback.

Mr. Janssen asked if the existing trees would remain on the property.

Mr. Helm replied yes, that is correct.

Mr. Wohl asked what the depth of Mr. Helm's lot is.

Ms. Wollmuth replied that the approximate depth is thirty (30) feet to the east property line and that this property line would be considered a side yard.

Mr. Wangler asked if there were any other houses in the area with a twenty (20) foot front yard setback, and he asked if contextual setbacks would apply to this property.

Ms. Wollmuth replied that since the property was platted prior to 1976, Staff could consider a contextual setback if there was a deviation between adjacent properties, however, adjacent properties in the area are set at a front yard setback of twenty-five (25) feet.

MOTION: Mr. Wohl made a motion to approve the variance based on the shallow lot depth and that it is in harmony with the general purposes and the intent of the zoning ordinance and will not be injurious to the neighborhood. Ms. Clark seconded the motion with Board members, Wangler, Janssen, Wohl, Clark, and Chair Seifert in favor, the variance was approved.

VARIANCE FROM SECTION 14-03.01-08.3(d) OF THE CITY CODE OF ORDINANCES (SIGNS / COMMERCIAL ZONING DISTRICT STANDARDS FOR ON-PREMISES ADVERTISING SIGNS) TRILLIUM THIRD ADDITION SECOND REPLAT, BLOCK 1, LOT 2 (3005 ROCK ISLAND PLACE).

Ms. Wollmuth stated that Railway Credit Union is requesting a variance from Section 14-03.01-08.3-(d) of the City Code of Ordinances (Signs / Commercial Zoning District Standards for On-Premises Advertising Signs) to increase the allowed area of an Electronic Message Center (EMC) sign from thirty-two (32) square feet to forty-five (45) square feet. She also stated that the proposed variance is located in southeast Bismarck, south of East Bismarck Expressway and east of South 26th Street, in the southeast quadrant of the intersection of Rock Island Place and Burlington Drive.

Ms. Wollmuth also stated that the zoning ordinance makes provisions for electronic message center (EMC) signs according to roadway type and visibility from roadways. This request is located on a property that is at the intersection of two local roadways (Burlington Drive and Rock Island Place). She also explained that the maximum area of an electronic message center (EMC) sign adjacent to a local roadway outlined in the City's zoning ordinance is thirty-two (32) square feet. This size limit has been in the City's Zoning Ordinance since 2008.

Ms. Wollmuth stated that the public has been duly notified of this request. Nine (9) postcards were mailed to owners of nearby properties on March 21, 2025. We have received one phone inquiry that was neither for, nor against the request. She also stated that the applicant's consultants are here this evening and have additional information to present to the Board.

Ms. Wollmuth explained that pursuant to Section 14-06-02 of the City Code of Ordinances, the Board of Adjustment may vary or adjust the strict application of any of the requirements of the zoning ordinance in case of an exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical condition, by reason of which the strict application of the

provisions of the zoning ordinance would result in an unnecessary hardship that would deprive the owner of a reasonable use of land or building involved, but in no other case.

No adjustment in the strict application of any provisions of the zoning ordinance shall be granted by the Board of Adjustment unless it finds the following:

- That there are special circumstances or conditions that apply to the land or buildings that do not apply generally to land or buildings within the neighborhood and have not resulted from any act of the applicant.
- That the strict application of the provisions of the zoning ordinance would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant.
- That the grant of the variance will be in harmony with the general purposes and the intent of the zoning ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- A variance granted under this chapter must be put into use within 24 months of the granting of the variance or it shall lapse and the landowner must re-apply.

Ms. Wollmuth stated the applicant has submitted a written statement that identifies their anticipated hardship and explains why they believe the variance should be granted. Ms. Wollmuth also stated that if the Board chose to approve the variance as proposed, that Staff asks that they identify a hardship and modify the review standards or findings. She stated that the applicant and their consultant are here to answer any questions, but before they approach the Board, she asked if the Board had any questions for her.

Chair Seifert asked if the sign were placed in a different location on site, could the sign be in compliance with the City's Sign Ordinance.

Ms. Wollmuth replied that the variance request is the size of the sign, not the location of the sign on the property.

Chair Seifert invited the applicant to come forward.

Dan Schaff with HTG Architects stated that he was here today representing Railway Credit Union. He also stated that there have been new developments that have arisen in the last couple of days and he asked the Board to table this variance until the next meeting.

Ms. Clark asked if there was anyone in attendance that would like to make a public comment.

Mr. Seifert added that seeing no one, he closed the public comments and asked for the wishes of the Board.

MOTION: Ms. Clark made a motion to table the variance until the next Board meeting. Mr. Janssen seconded the motion with Board members Wangler, Janssen, Wohl, Clark and Chair Seifert in favor, the motion was approved.

ADJOURNMENT:

There being no other business, Chair Seifert declared the meeting of the Bismarck Board of Adjustment adjourned at 5:21 p.m. to meet again on May 1, 2025.

Respectfully Submitted,

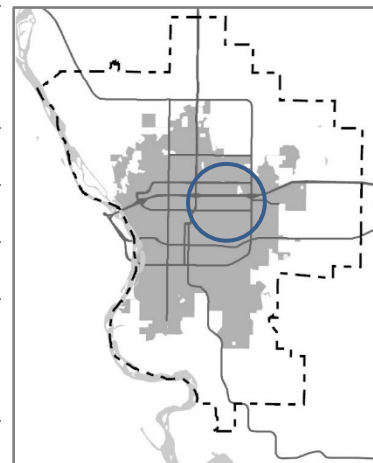
Tracy L. Walters
Recording Secretary

APPROVED: _____

Chair

Project Summary

<i>Title:</i>	McKenzie & Coffin's Addition, Block 67, the North 15 feet of Lot 25, all of Lot 26 and the South 5 feet of Lot 27
<i>Status:</i>	Board of Adjustment - Public Hearing
<i>Property Owner(s):</i>	Jeffrey Wutzke
<i>Project Contact:</i>	Jeffrey Wutzke
<i>Project Location:</i>	In central Bismarck, between East Avenue D and east Avenue A, along the east side of South 9th Street
<i>Project Size:</i>	6,300 square feet
<i>Applicant Request:</i>	Variance from Section 14-04-07(5) of the City Code of Ordinances (RM – Residential)(Lot Width) and variance from Section 14-03-05(4)(b) of the City Code of Ordinances (Supplementary Provisions)(Location of Residential Accessory Buildings)



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 parcel in 1 block	<i>Lots/Blocks:</i>	No change
<i>Land Use:</i>	Single-family residential	<i>Land Use:</i>	No change
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	RM30 – Residential	<i>Zoning:</i>	No change
<i>Uses Allowed:</i>	RM30 – Multi-family residential and single-family residential in certain areas of the city	<i>Uses Allowed:</i>	No change
<i>Max Density:</i>	RM30 – 30 units / acre	<i>Max Density:</i>	No change

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	Pre-1980
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	12/1882
<i>Neighborhood:</i>	McKenzie	<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

Jeffrey Wutzke is requesting approval of a variance at 817 North 9th Street (the North 15 feet of Lot 25, all of Lot 26 and the South 5 feet of Lot 27, Block 67, McKenzie & Coffin's Addition, from the following sections of the City's Zoning Ordinance:

- Section 14-04-07(5) of the City Code of Ordinances (RM – Residential)(Lot Width) to reduce the required lot width for a parcel platted prior to 1953 from 50 feet to 45 feet in order to construct a new accessory building.
- Section 14-03-05(4)(b) of the City Code of Ordinances (Supplementary Provisions)(Location of Residential Accessory Buildings) to reduce the rear yard setback for an accessory building with direct access to an alley from 20 feet to 10 feet at 817 North 9th Street (the North 15 feet of Lot 25, all of Lot 26 and the South 5 feet of Lot 27, Block 67, McKenzie & Coffin's Addition).

The applicant has indicated that if the variance is approved as proposed, the existing accessory building located on the property would be demolished. According to historical aerial imagery, the existing accessory building was permitted prior to 1957, it is not directly accessed from the alley and is roughly three feet from the rear property line.

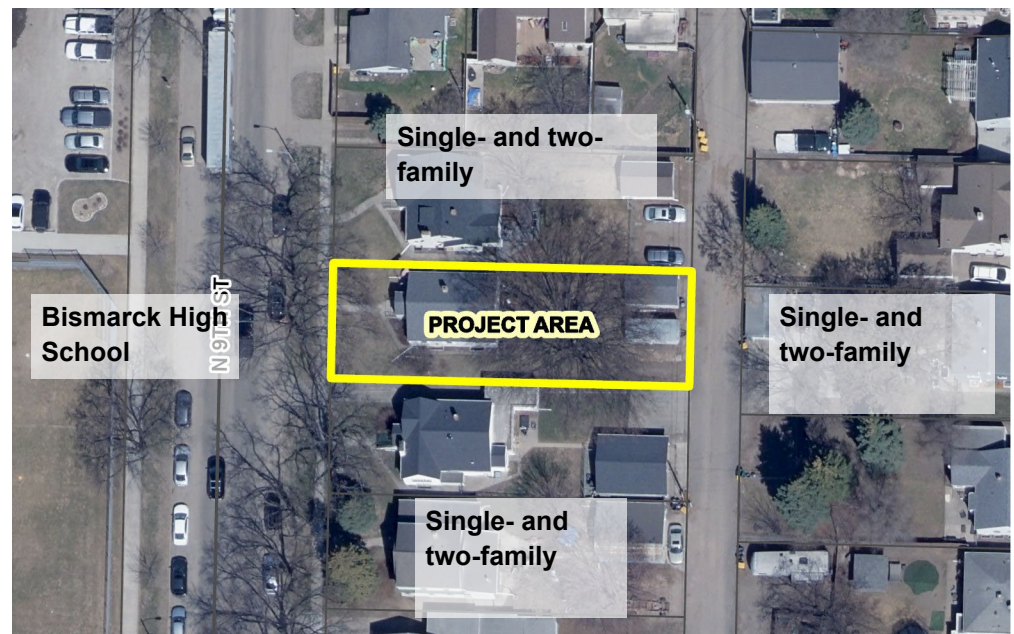
Background Information.

The property is zoned Conditional RM30 – Residential, which allows for single-family dwellings in this particular location, and within an area platted and recorded in 1882. Our records indicate that the width of the property has not changed since the single-family dwelling was constructed in 1939. Minimum lot width requirements were added into the zoning ordinance after 1953.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



(continued)

The property has been identified as Urban Neighborhood (UN) in the Future Land Use Plan. The UN areas are a place for quiet enjoyment of home life. Goals and objectives of this plan as they relate to this request are referenced in review standards below.

Adjacent land uses include single- and two-family residential uses to the north, east and south, and Bismark High School to the west, across South 9th Street.

Public Engagement

The public has been duly notified of this request. 46 postcards were mailed to the owners of nearby properties on July 23, 2025.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard. Pursuant to Section 14-06-02 of the City Code of Ordinances, the Board of Adjustment may vary or adjust the strict application of any of the requirements of the zoning ordinance in case of an exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical, by reason of which the strict application of the provisions of the zoning ordinance would result in an unnecessary hardship that would deprive the owner of a reasonable use of land or building involved, but in no other case.

No adjustment in the strict application of any provisions of the zoning ordinance shall be granted by the Board of Adjustment unless it finds the following:

That there are special circumstances or conditions fully described in the findings of the Board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this article, whether in violation of the provisions of the article, or not ([Goal G10-f](#))

That, for reasons fully set forth in the findings of the Board, the circumstances or conditions so found are such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the Board is the minimum variance that will accomplish the relief sought by the applicant.

That the grant of the variance will be in harmony with the general purposes and intent of this article, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare ([Goal S10-a](#))

A variance granted under this chapter must be put into use within 24 months of the granting of the variance or it shall lapse and the landowner must re-apply.

Staff Recommendation

Staff recommends reviewing the above findings, identifying a hardship, and modifying the findings as necessary to support the decision of the Board.

Attachments

1. Zoning Plan and Reference Map
2. Written Statement of Hardship
3. Proposed Site Exhibit



Zoning and Plan Reference Map

VAR2025-005

MCKENZIE & COFFIN'S ADDITION, B 67, N15' OF LOT 25, ALL LOT

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

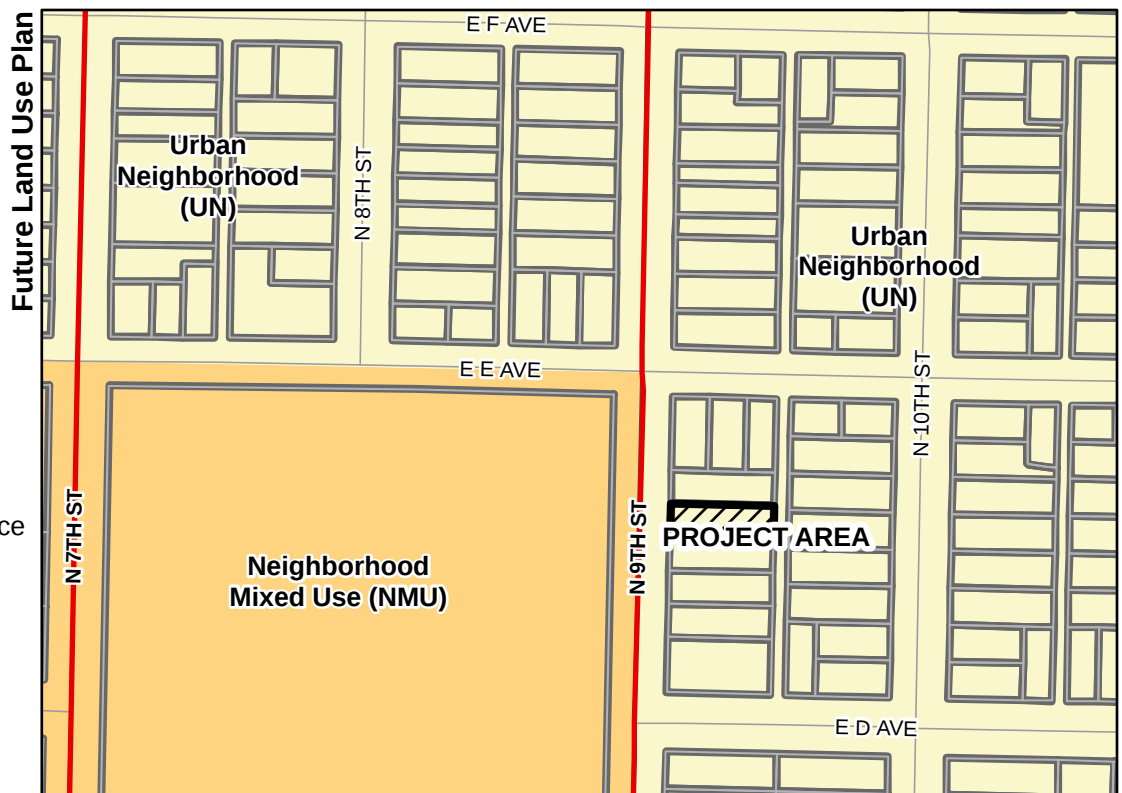
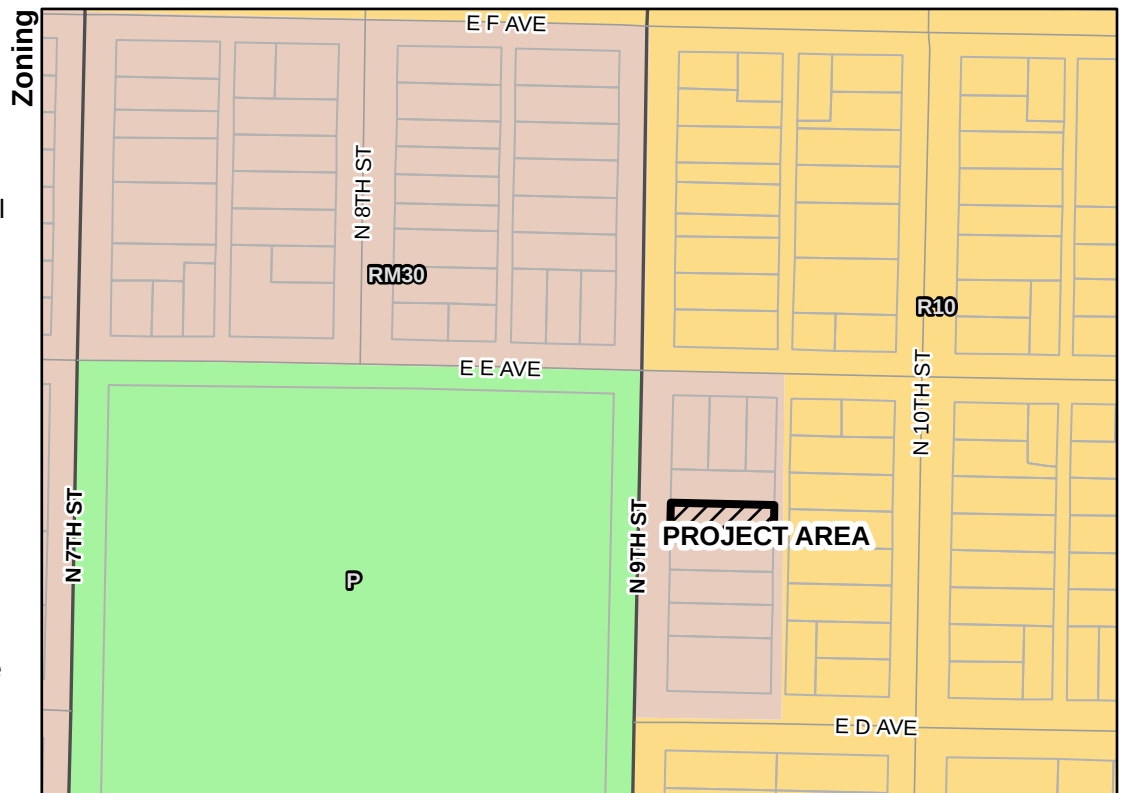
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate
- City Limits



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated herein.

0 187.5 375 750 Feet



City of Bismarck
Community Development
Planning Division
July 30, 2025



City of Bismarck
Community Development Department
Planning Division
Phone: 701-355-1840 * FAX: 701-222-6450 * TDD: 711
PO Box 5503 * Bismarck, ND 58506-5503
planning@bismarcknd.gov

Last Revised: 01/2017

WRITTEN STATEMENT OF HARDSHIP (VARIANCE REQUEST)

NOTE: WRITTEN STATEMENTS OF HARDSHIP MUST ACCOMPANY EVERY VARIANCE REQUEST APPLICATION

PROPERTY INFORMATION

Property Address or Legal Description:
(Lot, Block, Addition/Subdivision)

Location of Property:

☐ City of Bismarck

☐ ETA

Type of Variance Requested:

Applicable Zoning Ordinance:
(Chapter/Section)

Describe how the strict application of the requirements of the Zoning Ordinance would limit the use of the property. (Only limitations due to physical or topographic features – such as an irregularly shaped, narrow, shallow or steep lot or other exceptional physical or topographic condition – that are unique characteristics and not applicable to other properties in the neighborhood are eligible for a variance. Variances cannot be granted on the basis of economic hardship or inconvenience.)

Describe how these limitations would deprive you of reasonable use of the land or building involved, and result in unnecessary hardship.

Describe how the variance requested is the minimum variance necessary to allow reasonable use of the property.

EXCERPTS FROM BISMARCK ZONING ORDINANCE RELATING TO VARIANCES

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

Variance: A device which grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to increase the financial return.

14-06-02. Powers and Duties.

* * * * *

2. Variances. On appeal from an order, requirement, decision or determination made by an administrative official, the board of adjustment may vary or adjust the strict application of any of the requirements of this article in the case of an exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical condition, by reason of which the strict application of the provisions of the article would result in unnecessary hardship that would deprive the owner of a reasonable use of the land or building involved, but in no other case.

No adjustment in the strict application of any provisions of this article shall be granted by the board of adjustment unless it finds:

- a. That there are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this article, whether in violation of the provisions of the article, or not.
- b. That, for reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of said land or building, and the granting of the variances is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant.
- c. That the grant of the variance will be in harmony with the general purposes and intent of this article, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- d. A variance granted under this chapter must be put into use within 24 months of the granting of the variance or it shall lapse and the landowner must re-apply.

LOT SIZE: 45'X140' = 6300 SF
RM 30 LOT COVERAGE RATIO: 50%
6300 SF X 50% = 3,150 ALLOWED
SINGLE FAMILY HOME = 986 SF
PROPOSED GARAGE = 1200 SF
TOTAL AREA = 2186 SF < 3150 SF ALLOWED

