

Board of Adjustment

MEETING
October 2, 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 August 7, 2025 meeting

2. PUBLIC COMMENT

Limited to items on the previous Board of Adjustment meeting.

3. REGULAR AGENDA

A. **University of Mary Subdivision, Block 1, Lots 2A, 2B, 3, 4A, 4B, 5A, 5B, and 5C**

Variance from Section 14-04-01(7) of the City Code of Ordinances (RR – Residential / Height Limits) | VAR2025-006

B. **Auditor's Lot S-3 in the East ½ of Section 25, Hay Creek Township**

Variance from Section 14-04-17(11) of the City Code of Ordinances (A – Agriculture / Accessory Buildings) | VAR2025-007

4. OTHER BUSINESS

5. ADJOURN

A. The next meeting of the Bismarck Board of Adjustment is scheduled for November 6, 2025.

**BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES
August 7, 2025**

The Bismarck Board of Adjustment met on August 7, 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, and Jennifer Clark.

Board member attending remotely was Rick Wohl. Board member Chris Seifert was absent.

Staff members present were Jenny Wollmuth – Senior Planner, Brady Blaskowski – Building Official, and Sarah Fricke – Senior Administrative Assistant.

MINUTES:

Chair Clark called for approval of the minutes of the April 3, 2025 meeting of the Board of Adjustment.

MOTION: A motion was made by Mr. Wangler to approve the minutes of the April 3, 2025 meeting, as written. The motion was seconded by Mr. Janssen and the minutes were unanimously approved with Board Members Wangler, Wohl, Clark, and Janssen, voting in favor.

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) MCKENZIE AND COFFIN'S ADDITION, BLOCK 67, PART OF LOT 25, ALL OF LOT 26, AND PART OF LOT 27

Ms. Wollmuth stated that 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.

The proposed variance is located in central Bismarck, between East Avenue D and East Avenue A, along the east side of South 9th Street.

Ms. Wollmuth provided an overview of the request, including background information of the property and findings of fact. She then asked the board, if they choose to approve the variance as proposed, that they identify a hardship and modify the review standards or findings outlined in your staff report to support your decision.

Ms. Clark asked how the backyard setback for this property compares to others in the neighborhood. Ms. Wollmuth replied that the neighboring properties have accessory buildings that meet setback requirements.

Ms. Clark then asked about the status of the zoning code rewrite and how that might affect this request. Ms. Wollmuth said the Land Development Code is in draft stages and staff hopes it will be completed at the end of 2025 or early 2026. She said this request would

Mr. Janssen asked if the other lots in the vicinity are the same size as the one in question. Ms. Wollmuth said the lots are all relatively similar, approximately 40-50 feet in width.

Ms. Clark stated that no members of the public nor the applicant was present at the hearing. She said the variance request is consistent with the use of property in those neighborhoods with narrow lots and believes this will be an improvement to the property.

Mr. Wangler said it will create a couple more feet to the alley, improving access.

MOTION: Mr. Janssen made a motion to approve the variance, stating the lot is exceptionally narrow and the request is a reasonable use of the property. Mr. Wangler seconded the motion and with Board members, Wangler, Janssen, Wohl, and Clark, voting in favor, the variance was approved.

OTHER:

Ms. Wollmuth explained the new public comment policy that requires public meetings and hearings to include a public comment period, allowing anyone from the public to comment on a current or one previous agenda item.

Ms. Clark asked about the current procedure to ask for public comment during the public hearing. Ms. Wollmuth explained that the new policy is broad to cover every commission and board standard procedures.

Mr. Janssen asked if the public would be able to see the new policy, so they are aware of the expectations. Ms. Wollmuth explained that the policy is in the agenda packet and available online and at the door to the meetings.

ADJOURNMENT:

There being no other business, Vice Chair Clark declared the meeting of the Bismarck Board of Adjustment adjourned at 5:24 p.m. to meet again on September 4, 2025.

Respectfully Submitted,

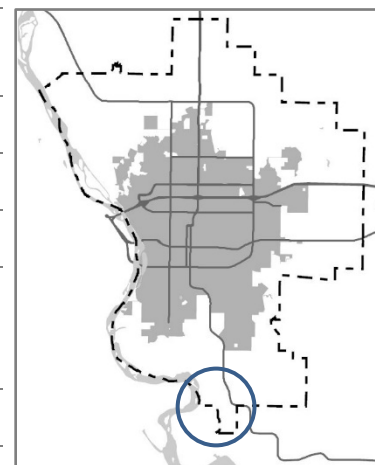
Sarah Fricke
Recording Secretary

APPROVED:

Chair

Project Summary

<i>Title:</i>	University of Mary Subdivision, Block 1, Lots 2A, 2B, 3, 4A, 4B, 5A, 5B, and 5C
<i>Status:</i>	Board of Adjustment - Public Hearing
<i>Property Owner(s):</i>	University of Mary
<i>Project Contact:</i>	Clair Roth, AICP, ISG
<i>Project Location:</i>	South of Bismarck, south of 48th Avenue SE along the west side of University Drive/Highway 1804 South
<i>Project Size:</i>	157.34 acres
<i>Applicant Request:</i>	Variance from Section 14-04-01(7) of the City Code of Ordinances (RR – Residential / Height Limits)



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>	Institutional (University of Mary)	<i>Land Use:</i>	No change
<i>Future Land Use:</i>	Institutional (INS) Parks and Open Space (PKOS)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	RR – Residential	<i>Zoning:</i>	No change
<i>Uses Allowed:</i>	RR – Large lot single-family residential, limited agriculture, and schools	<i>Uses Allowed:</i>	No change
<i>Max Density:</i>	RR – 1 unit per 65,000 square feet	<i>Max Density:</i>	No change

Area Information

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)
<i>Township:</i>	Lincoln (not organized)
<i>Neighborhood:</i>	University of Mary

Property History

<i>Zoned:</i>	Pre-1980
<i>Platted:</i>	02/2015
<i>Annexed:</i>	N/A

(continued)

Project Narrative

The University of Mary is requesting approval of a variance from Section 14-04-01(7) of the City Code of Ordinances (RR – Residential / Height Limits) to increase the building height for a proposed athletic dome from 50 feet to 80 feet.

The property is located within the RR – Residential zoning district. Uses permitted within

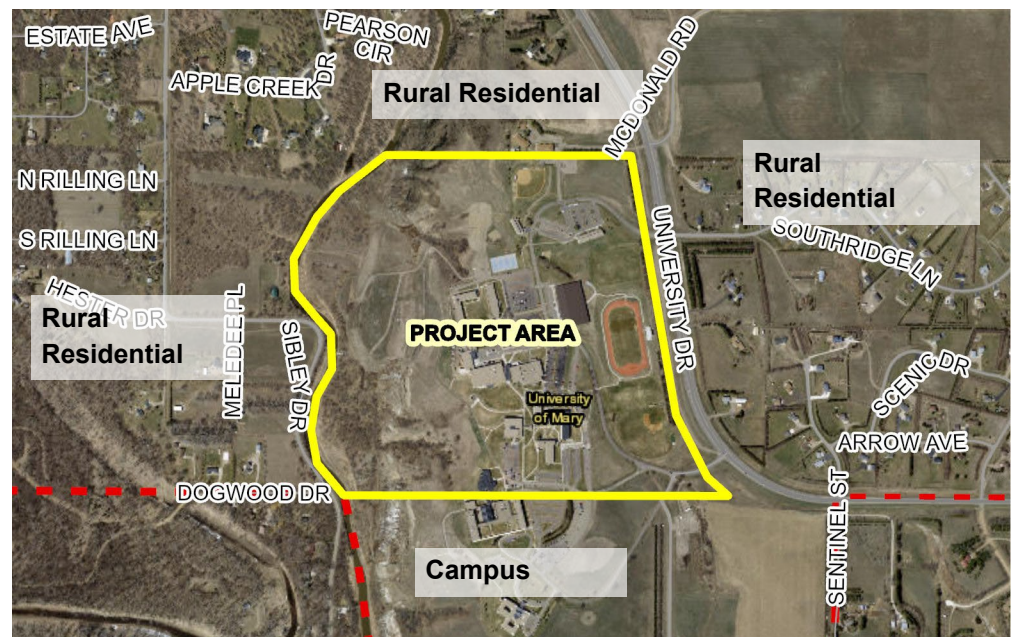
this zoning district include the education group and the University of Mary is considered part of the education use group.

The City's zoning ordinance limits the height of non-residential principal structures within the RR – Residential zoning district to 50 feet.

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.



The property has been identified as Parks and Open Space (PKOS) and Institutional (INS) in the Future Land Use Plan. The PKOS areas are places that are kept in a largely natural state, providing many important functions for the community and ecosystem. The INS areas are places of cultural, political, or administrative significance to the general public. Goals and objectives of this plan as they relate to this request are referenced in review standards below.

The property is surrounded by rural residential uses.

Public Engagement

The public has been duly notified of this request. Eighty-one postcards were mailed to the owners of nearby properties on September 19, 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 Board of Adjustment and summarized by staff during the oral presentation.

(continued)

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 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 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 granting 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 is 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

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

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

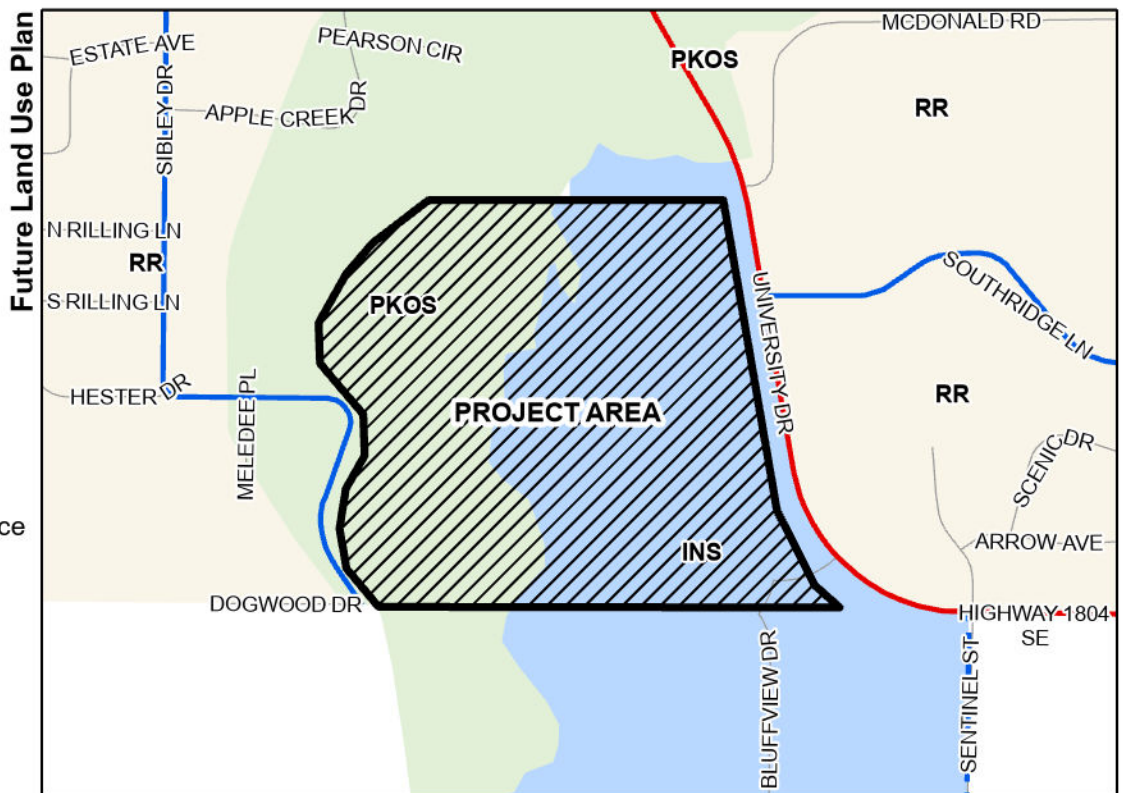
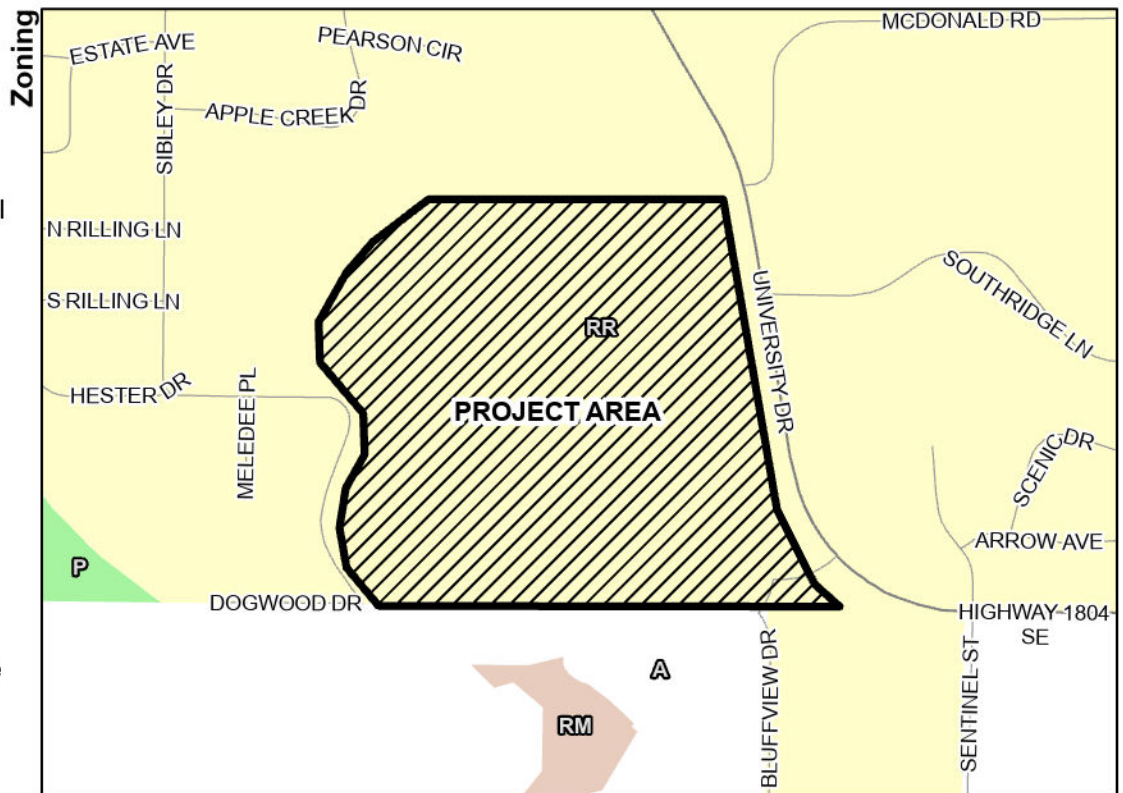
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

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 hereon.

0 500 1,000 2,000 Feet



City of Bismarck
Community Development
Planning Division
September 25, 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.

August 22, 2025



Jenny Wollmuth
Senior Planner
City of Bismarck
221 North 5th Street
Bismarck, ND 58506
jwollmuth@bismarcknd.gov

**RE: Variance Request – Narrative
University of Mary: 7500 University Drive
Phase 2 – Athletics & Master Landscaping**

Jenny,

Thank you for reviewing the following variance proposal and written statement of hardship narrative requesting consideration of a variance to exceed zoning height district limitations through the construction of an athletic dome as part of the second phase of improvements to occur as part of the University of Mary Athletic Complex and Master Landscape Improvements. The project will occur at the University of Mary, located within the Bismarck Extraterritorial Area (ETA) at 7500 University Drive, Bismarck, ND 58504. A description of the currently proposed project and reason for request follows, along with a written statement of hardship narrative specific to the request to exceed the current zoning district height limit of 50 feet with a dome height of 80 feet.

PROPOSAL AND REASON FOR REQUEST

The proposed project will occur at the University of Mary, located within the Bismarck Extraterritorial Area (ETA) at 7500 University Drive, Bismarck, ND 58504. The location is within the University of Mary Subdivision and is currently zoned as RR - Rural Family Single Residential.

The existing land use is a University Campus, specifically athletic facilities including an outdoor track, soccer fields, and baseball field, along with supporting infrastructure and parking. The proposed land use will remain as university athletic facilities and will include the addition of a new track and field, sports dome, football field stadium, research and performance center, parking lots and master landscaping improvements. In addition, utility work will include updates and new storm sewer, water, sanitary sewer, electrical, and fiber design. Construction is proposed to begin in April of 2026 and conclude in December of 2027.

The athletic dome is proposed to have a 109,561 SF footprint and a corresponding height of 80 feet, exceeding the RR zoning district height limit. Thus, a variance is requested to exceed the zoning district height limit of 50 feet for a principal structure as outlined in City Code section 14-04-01.7. It should be noted that the south side of the dome is exposed fully above grade, but through strategic grading design, the north side of the dome will be recessed approximately 13 feet, expanding only 67 feet above grade as compared to 80 feet on the south side. The project is currently under site plan review by the City of Bismarck and all other components of the project have been designed in accordance to meet zoning and other code requirements.

The University of Mary Athletic Complex and Master Landscape Improvements project aligns with the goals and objectives of the City's Comprehensive Plan through:

- The creation of a high quality, destination athletic facilities designed to improve and support the experience, accessibility, and safety of campus students, athletes and visitors. The athletic facilities are designed for premier college athletics, and will draw in more events to the area, bolstering the surrounding area and Bismarck's identity.
- High quality designed athletic facilities along with supporting buildings, plazas, and natural landscaping support the City's goal of promoting quality design and visual appearance within the community.

- The campus entry, circulation network, and parking lots have been redesigned to accommodate the new traffic anticipated for the athletic complex and will keep travelers and pedestrians safe.
- A campuswide prairie restoration plan embraces the natural North Dakota landscape, increases ecological diversity, provides a unique campus aesthetic, and creates a memorable sense of place.
- The project will protect the rural character of the existing and planned residential areas within the ETA through the redevelopment of existing athletic facilities and university infrastructure, preventing new development resulting from the project from occurring elsewhere within the ETA.

WRITTEN STATEMENT OF HARDSHIP

In accordance with the following findings, a variance is requested to exceed the current RR zoning district height limit of 50 feet for a principal structure as outlined in City Code section 14-04-01.7.

- a. 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.)**

The strict application of the Zoning Ordinance height limit of 50 feet would significantly restrict the intended use of the athletic dome and render it unusable for proposed programming. The hardship arises not from economic considerations or convenience, but from the exceptional physical and functional requirements of the proposed use, which are uniquely tied to the property and its institutional purpose.

The proposed height is proportional to the length and width of the dome as required by the athletic facilities within the dome. The University is in need of both a full-size turf soccer field and a softball field (layered on top of one another) to be placed within the dome, allowing year round usage for practice and games. These athletic fields measure approximately 75 yards by 120 yards and 220 feet to center field, respectively. In order to safely and effectively accommodate the size of these required programming uses within the dome, the structure requires a minimum height of 80 feet. In addition, as college soccer and softball games will occur in the dome, the 80 foot height is necessary to allow enough clearance for high flying softballs during play without significantly damaging the structure or impacting the games.

In contrast to neighboring properties, which are primarily residential and do not require large-scale indoor recreational facilities, this parcel is uniquely designated for institutional athletic use. The proposed dome is a specialized structure with distinct physical demands not applicable to other properties in the district.

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

Compliance with code will not allow the property to be used in a reasonable manner. The proposed dome facility requires a height of 80 feet to ensure proper ventilation and lighting, and to accommodate intended recreational uses. Adhering to the current height limit of 50 feet would make the facility unsafe, create difficulties in lighting and ventilation, and would render it unsuitable for its intended purpose.

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

The variance is the minimum amount necessary to reasonably accommodate the proposed multi-purpose dome. The dome height of 80 feet is the minimal amount necessary to safely service the facility and accommodate the intended soccer turf and softball field. The south side of the dome is exposed fully above grade, but due to topography and grading changes, the north side of the dome will be recessed into the ground by approximately 13 feet, expanding only 67 feet above grade as compared to 80 feet on the south side. Thus, the north side of the dome building will harmoniously tie into the surrounding context and adjacent Research and Performance Center building that is 36 feet tall.

Board of Adjustment Considerations

In addition to the above written statement of hardship, no adjustment in the strict application of any provisions of this article Section 14-06-02 (Powers and Duties) 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.**

There are demonstrable special circumstances or conditions, peculiar to the land and project request that have not resulted by the action of the applicant. The hardship arises not from economic considerations or convenience, but from the exceptional physical and functional requirements of the proposed use, which are uniquely tied to the property and its institutional purpose. The proposed height is proportional to the length and width of the dome as required by the athletic facilities within the dome including a full-size turf soccer field and a softball field, which measure approximately 75 yards by 120 yards and 220 feet to center field, respectively. In order to safely and effectively accommodate the size of these required programming uses within the dome, the structure requires a minimum height of 80 feet. Further, the proposed dome is a specialized structure with distinct physical demands not applicable to other properties in the district. The dome height requirements are dictated by the nature of the activities to operate and to be conducted within the dome, and are not dictated by the applicant.

- 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.**

Strict compliance with code will not allow the property to be used in a reasonable manner. The proposed dome facility requires a height of 80 feet to ensure proper ventilation and lighting, and to accommodate intended recreational uses. Adhering to the current height limit of 50 feet would make the facility unsafe, create difficulties in lighting and ventilation, cause more conflict due to impact from stray balls and disruption to gametime play, and would render it unsuitable for its intended purpose.

The variance is the minimum amount necessary to reasonably accommodate the proposed multi-purpose dome. The dome height of 80 feet is the minimal amount necessary to safely service the facility and accommodate the intended soccer turf and softball field. In addition, while the south side of the dome is exposed fully above grade, due to topography and grading changes, the north side of the dome will be recessed into the ground by approximately 13 feet, expanding only 67 feet above grade as compared to 80 feet on the south side. Thus, the north side of the dome building will harmoniously tie into the surrounding context and adjacent Research and Performance Center building that is 36 feet tall.

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.

The proposed dome development will be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding athletic facilities and university campus. Its location, size, and character will be designed to complement the existing surrounding structures and contribute positively to the surrounding neighborhood's development. The proposed dome facility is a permitted use within the RR district and all additional code and design requirements will be met to ensure harmony with and support of orderly development of the surrounding neighborhood.

The proposed dome development will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The design of the facility's access points and parking lot will include adequate provisions for vehicular turning movements, proximity and relationship to intersections, sight distances, off-street parking, and pedestrian traffic. The layout has been designed with safety in mind to minimize vehicular + pedestrian conflicts and ensure proper access for fire vehicles and for safe pedestrian access through sidewalk connections. Special attention will be given to minimizing any potential conflicts between vehicles and pedestrians through intentional design and signage when necessary.

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.

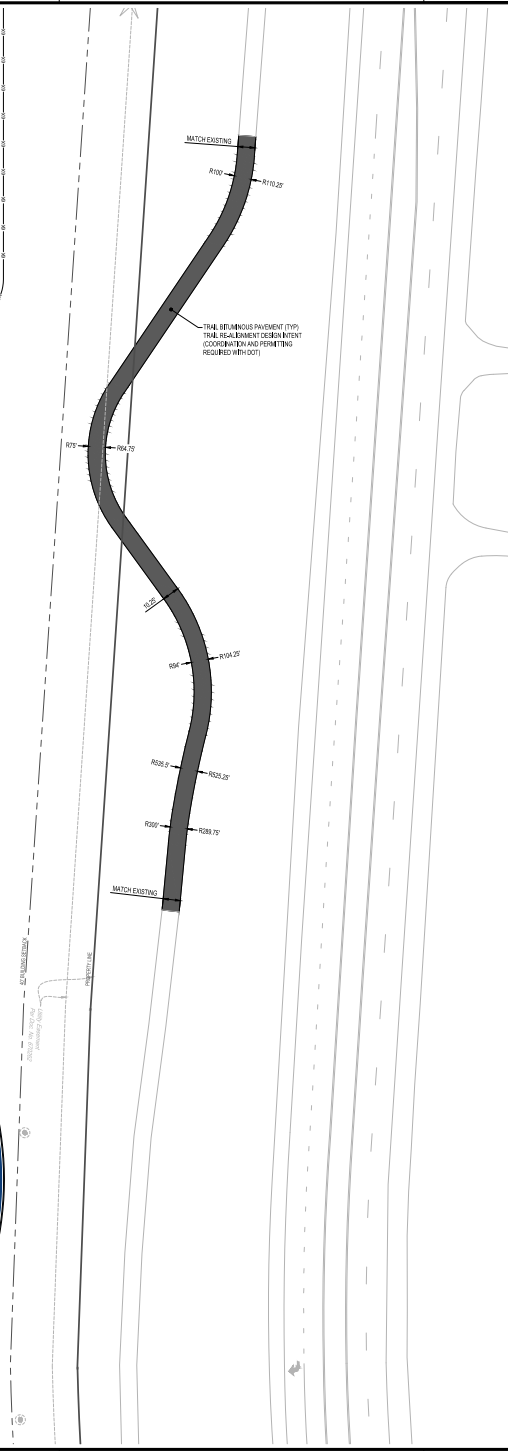
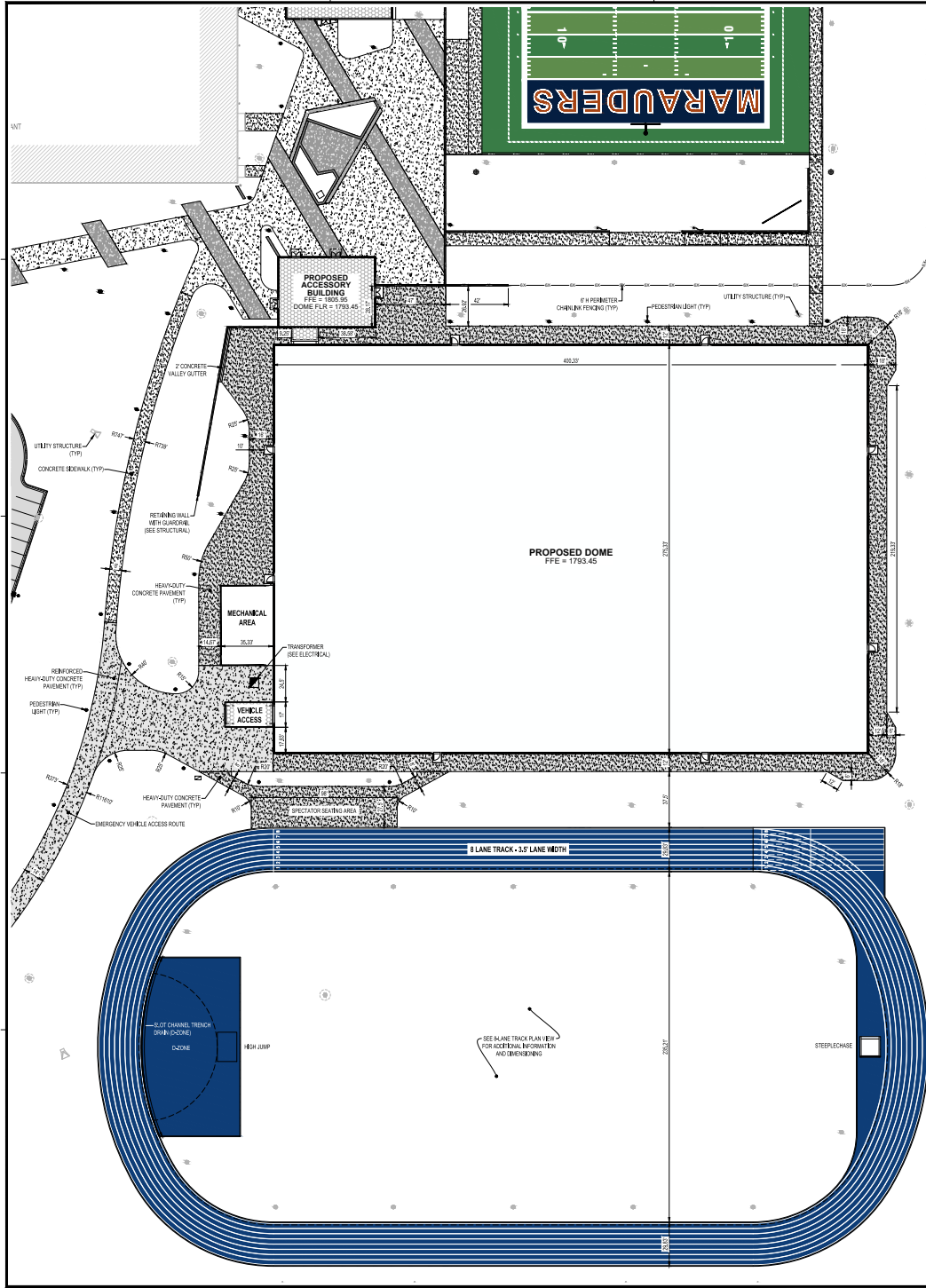
The variance will be put into use within the next 24 months. Construction is proposed to begin April of 2026.

Please contact me at 507.387.6651 or via email at Claire.Roth@ISGInc.com with any questions or if there is any additional information we can provide in support of this project.

Sincerely,



Claire Roth, AICP Candidate
Planner



SURFACING LEGEND	
SYMBOL	DESCRIPTION
	LIGHT-DUTY BITUMINOUS PAVEMENT
	MEDIUM-DUTY BITUMINOUS PAVEMENT
	TRIAL BITUMINOUS PAVEMENT
	HEAVY-DUTY CONCRETE PAVEMENT
	REINFORCED HEAVY-DUTY CONCRETE PAVEMENT
	CONCRETE SIDEWALK
	MACROFORMER CONCRETE PAVEMENT
	SYNTHETIC TURF
	AGGREGATE SURFACING
	TRACK SURFACING
	DECORATIVE CONCRETE PAVING

CONSTRUCTION NOTES

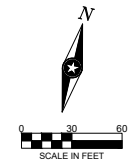
CONCRETE CURB AND GUTTER (R&G) REPRESENTS BACK OF CURB, UNLESS NOTED OTHERWISE.

ALL PAVEMENT AND CURB R&G ARE 5' UNLESS NOTED OTHERWISE.

CONTRACTOR TO PROVIDE TRAFFIC CONTROL AS NECESSARY.

SIGNAGE LEGEND	
(A)	STOP SIGN
(B)	ACCESSIBLE PARKING
(C)	VAN ACCESSIBLE
(D)	PICKUP AND DROP-OFF
(E)	PARKING LOT
(F)	PEDESTRIAN CROSSING
(G)	ONE WAY DO NOT ENTER
(H)	BEGIN ONE WAY
(I)	AUTHORIZED VEHICLES ONLY
(J)	KEEP RIGHT
(K)	RESERVED FOR RECREATION HALL DIRECTOR

SEE DETAIL SHEETS FOR ADDITIONAL INFORMATION.



SHEET NOT VALID UNLESS THIS TEXT IS COLOR

THIS DOCUMENT IS THE PROPERTY OF I & S GROUP, INC. AND MAY NOT BE USED, COPIED OR DUPLICATED WITHOUT PRIOR WRITTEN CONSENT.

PROJECT: **UNIVERSITY OF MARY**
ATHLETICS + MASTER
LANDSCAPING
IMPROVEMENTS
SITE (BID PACK 2)

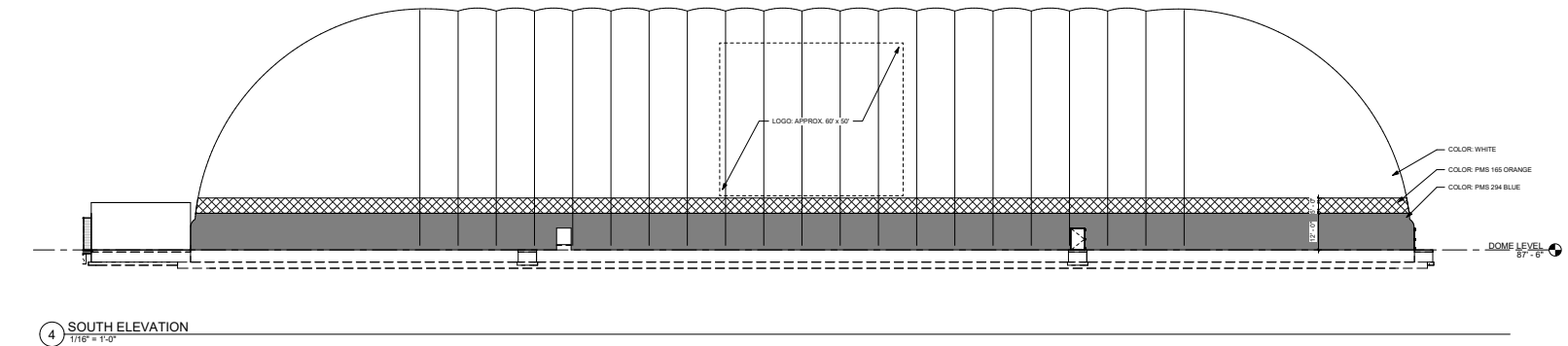
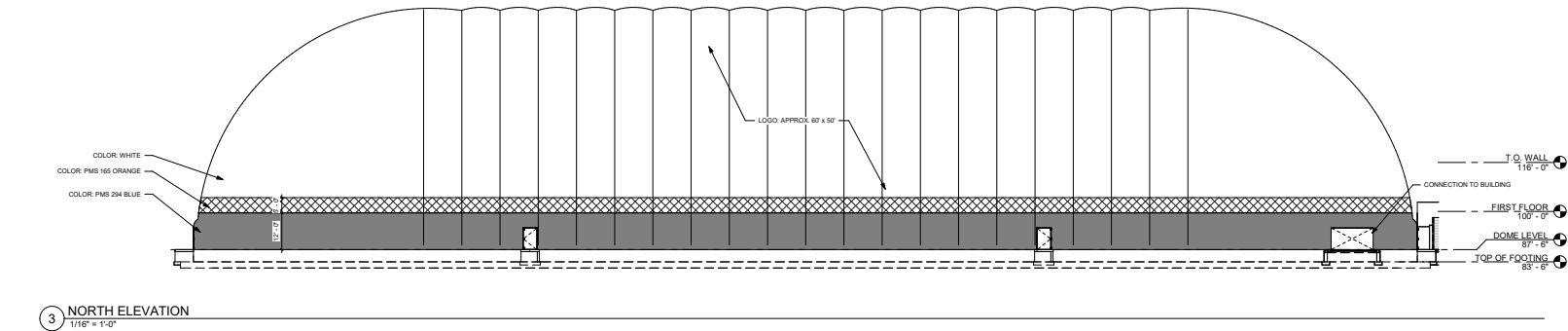
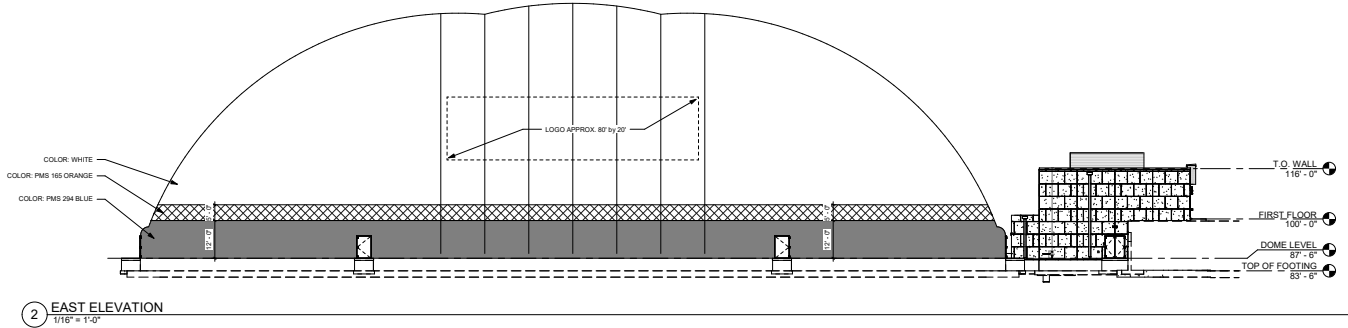
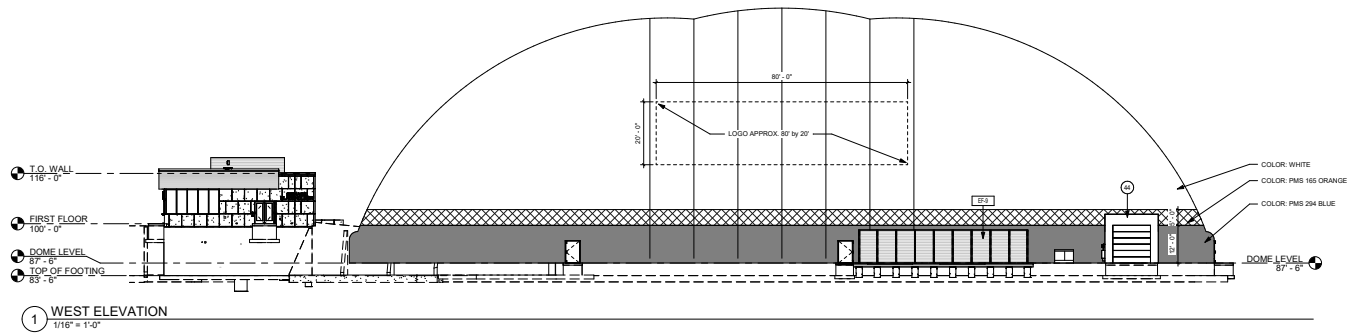
BISMARCK NORTH DAKOTA

DATE	REVISION SCHEDULE	BY

PROJECT NO. 23-2991B
 FILE NAME 28018 CS-SITE
 DRAWN BY MNA / BT
 DESIGNED BY MNA / MNA / BT / NPH
 REVIEWED BY ERS / TLM
 ORIGINAL ISSUE DATE 07/11/2025
 CLIENT PROJECT NO. -

TITLE

SITE PLAN
(AREA 7)



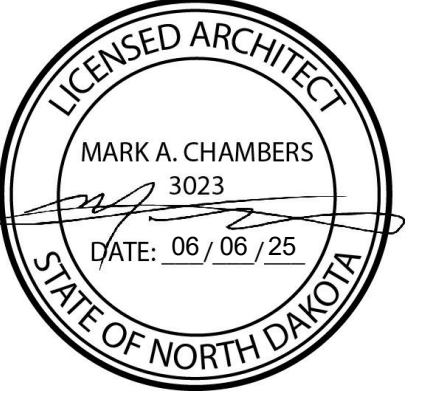
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PROJECT
UNIVERSITY OF MARY
ATHLETICS + MASTER
LANDSCAPING
IMPROVEMENTS
DOME & ACCESSORY
BUILDING (BID PACK 2)
 BISMARCK NORTH DAKOTA

DATE	REVISION SCHEDULE	BY

PROJECT NO. 24-29918
 FILE NAME 29918 And Dome R24
 DRAWN BY MPC & KAP
 DESIGNED BY JPM
 REVIEWED BY JPM & MAC
 ORIGINAL ISSUE DATE 06/06/25
 CLIENT PROJECT NO.

TITLE
DOME EXTERIOR
ELEVATIONS



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[illegible]

TITLE

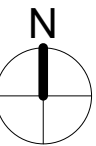
A1-21

A. ALL INTERIOR PARTITION WALLS SHALL BE WALL TYPE A3, UNLESS OTHERWISE NOTED.

B. ALL EXPOSED CEILINGS TO BE PAINTED UNLESS NOTED.

C. ALL CAST-IN-PLACE WALLS BELOW GRADE TO RECEIVE WATER PROOFING.

12	MECHANICAL EQUIPMENT, REFER TO MECHANICAL DOCUMENTS
34	DROP DOWN CURTAIN WITH BREAKS AT EGRESS EXITS
41	BATTING CASE CURTAIN - REFER TO SITE DOCUMENTS
42	HUNG CURTAIN SURROUNDING STORAGE AREA
44	VEHICLE AIR LOCK PROVIDED BY DOME SUPPLIER
45	3-TIERED MOBILE BLEACHER SYSTEM
53	SCC CONCRETE - REFER TO TECHNOLOGY DOCUMENTS
58	ELECTRICAL EQUIPMENT - REFER TO ELECTRICAL DOCUMENTS
59	SEE SITE DOCUMENTS FOR TURF AND SUBGRADE CONSTRUCTION
65	3/4" FIRE TREATED PLYWOOD ALONG ENTIRE WALL



REFERENCE SCALE

1" = 1"

2"

1"

1/4" 1/2"







STAFF REPORT

Application for: **Variance**

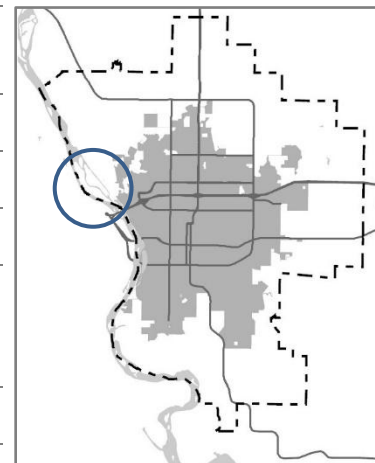
Agenda Item # 3B

October 2, 2025

Project ID: **VAR2025-007**

Project Summary

<i>Title:</i>	Auditor's Lot S-3 in the East ½ of Section 25, Hay Creek Township
<i>Status:</i>	Board of Adjustment - Public Hearing
<i>Property Owner(s):</i>	Lonnie Barth
<i>Project Contact:</i>	Lonnie Barth
<i>Project Location:</i>	West of Bismarck, between Interstate 94 and Wilderness Cove Road, along the west side of River Road
<i>Project Size:</i>	71.2 acres
<i>Applicant Request:</i>	Variance from Section 14-04-17(11) of the City Code of Ordinances (A – Agriculture / 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>	Undeveloped	<i>Land Use:</i>	Single-family dwelling with accessory buildings
<i>Future Land Use:</i>	Parks and Open Space (PKOS)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	No change
<i>Uses Allowed:</i>	A - Agriculture	<i>Uses Allowed:</i>	No change
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	No change

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	08/2024
<i>Township:</i>	Hay Creek	<i>Platted:</i>	N/A
<i>Neighborhood:</i>	Undefined	<i>Annexed:</i>	N/A

(continued)

Project Narrative

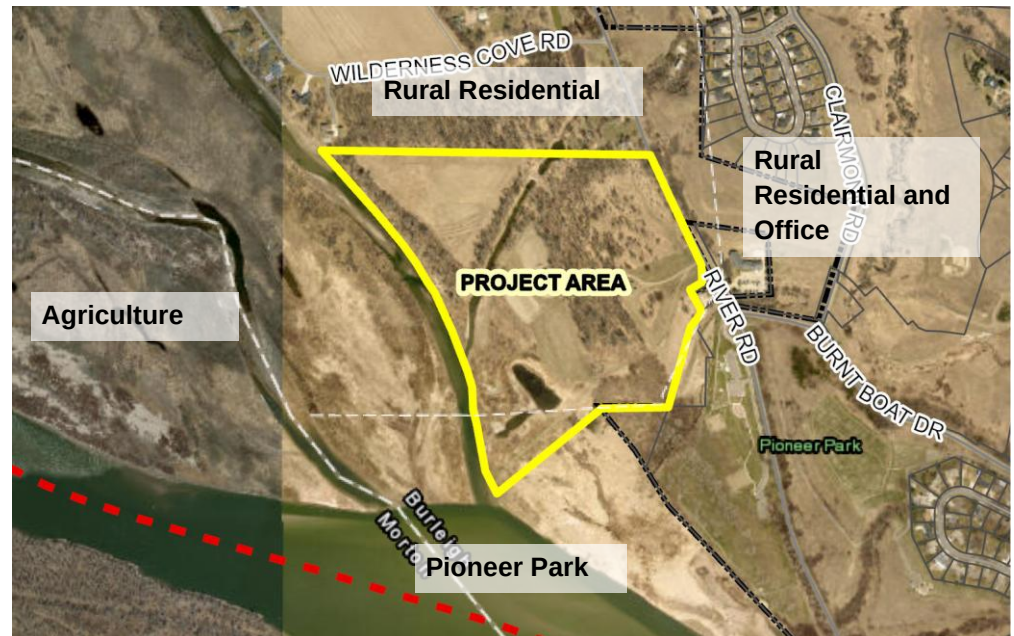
Lonnie Barth is requesting a variance from Section variance from section 14-04-17(11) of the City Code of Ordinances (A – Agriculture / Accessory Buildings) to increase the side wall height from 16.5 feet to 18 feet and building

height from 25 feet to 27 feet for a proposed accessory building.

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.



The property has been identified as Parks and Open Space (PKOS) in the Future Land Use Plan. The PKOS areas are places that are kept in a largely natural state, providing many important functions for the community and ecosystem. The PKOS designation in this area is largely due to the property being located within the Special Flood Hazard Area (SFHA). Goals and objectives of this plan as they relate to this request are referenced in review standards below.

Adjacent land uses include rural residential and agricultural uses to the north, Pioneer Park to the south, agriculture to the west and rural residential and office uses (Ducks Unlimited) to the east across River Road.

Public Engagement

The public has been duly notified of this request. Sixteen postcards were mailed to the owners of nearby properties on September 19, 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 Board of Adjustment and summarized by staff during the oral presentation.

(continued)

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 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 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 granting 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 is 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

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov



Zoning and Plan Reference Map

VAR2025-007

HAY CREEK TOWNSHIP Section 25 AUDITOR'S LOT S-3 IN E1/2

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

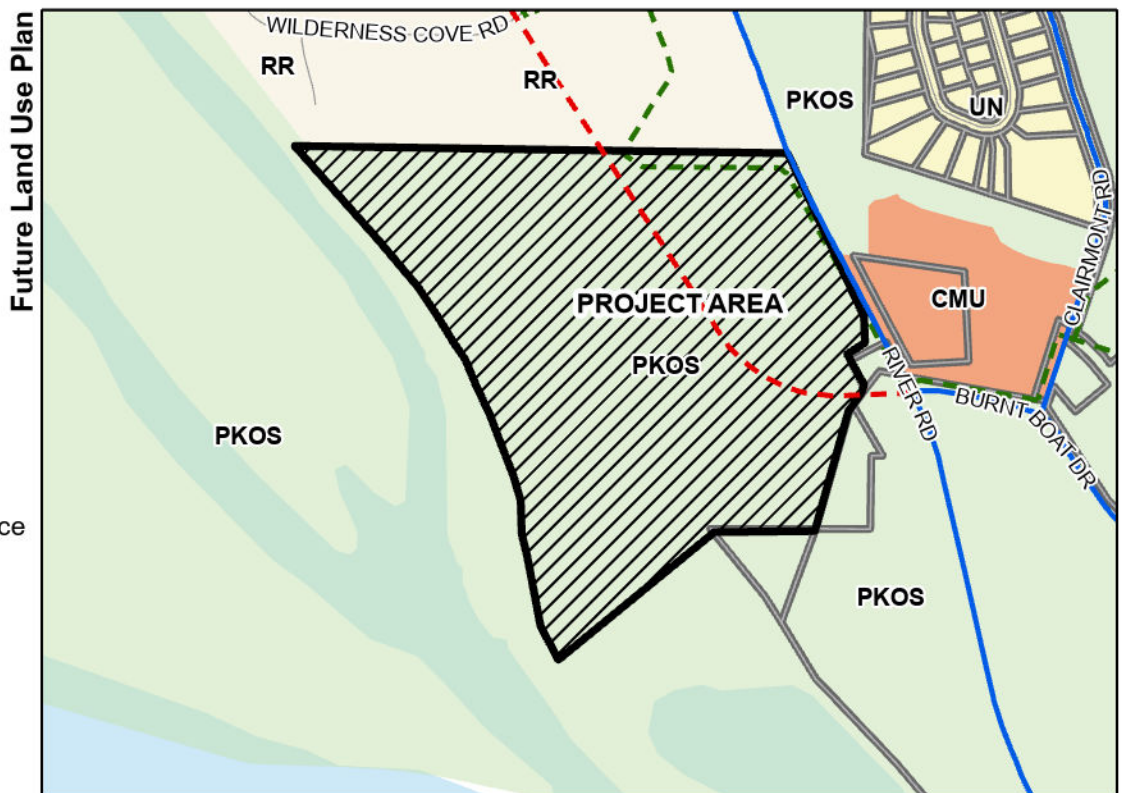
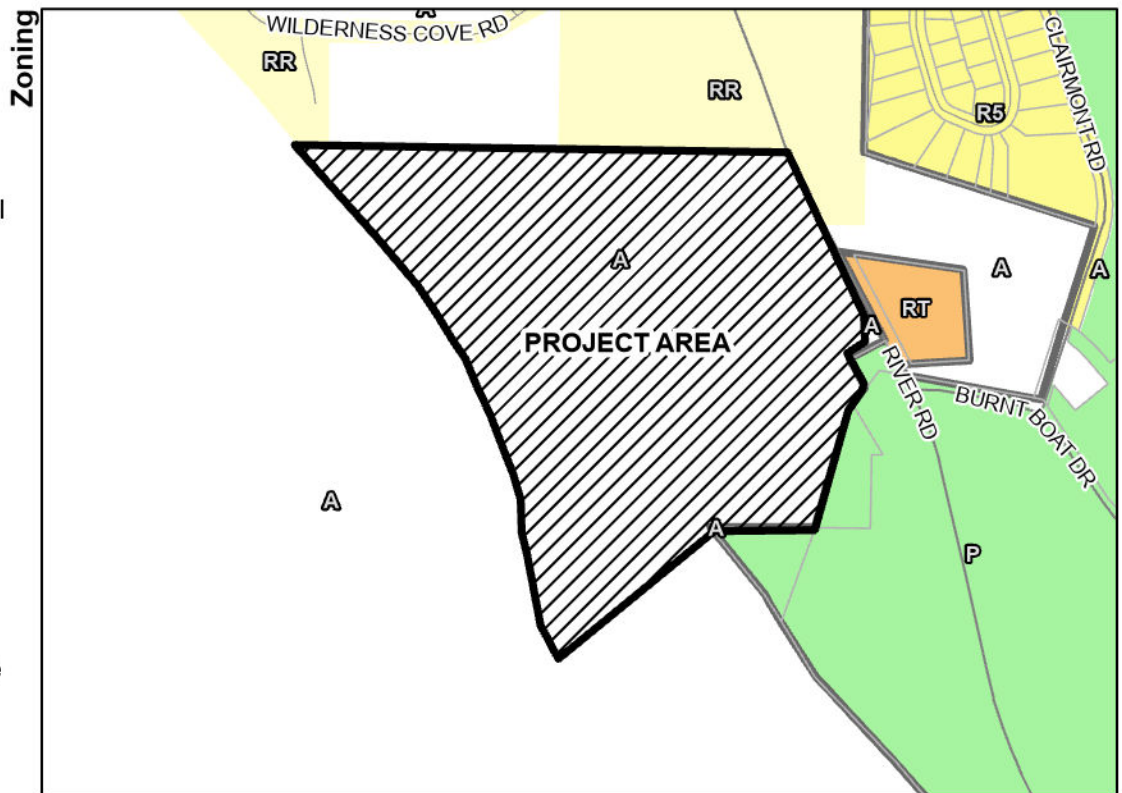
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space Urban Reserve
URA/URB	Mid/Long-Term

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 hereon.

0 500 1,000 2,000 Feet



City of Bismarck
Community Development
Planning Division
September 25, 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)

2528 River Road

Location of Property:

☐ City of Bismarck

☒ ETA

Type of Variance Requested:

Wall Height of 18'

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.)

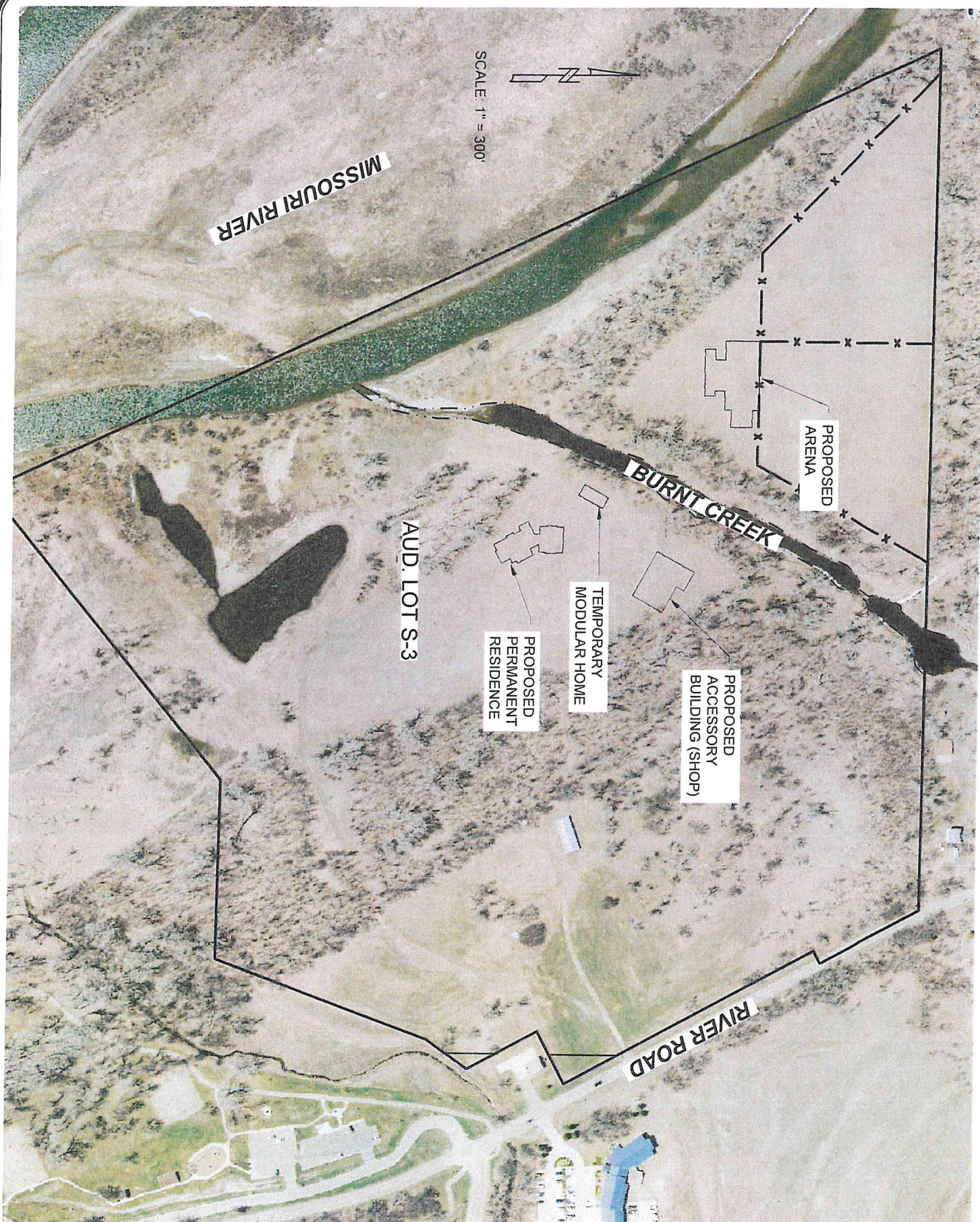
The location of the shop is on a built up section of property to protect from the possibility of flooding. The driveway will be considerably steeper causing the possibility of hitting the top of the door when entering with a long RV. I am asking for a variance for the wall height of my shop to allow for taller garage doors to be installed. I have a second story section of the plans with floor trusses and 8' ceiling height on the first and second floor and having the taller walls makes the entire building the same height throughout.

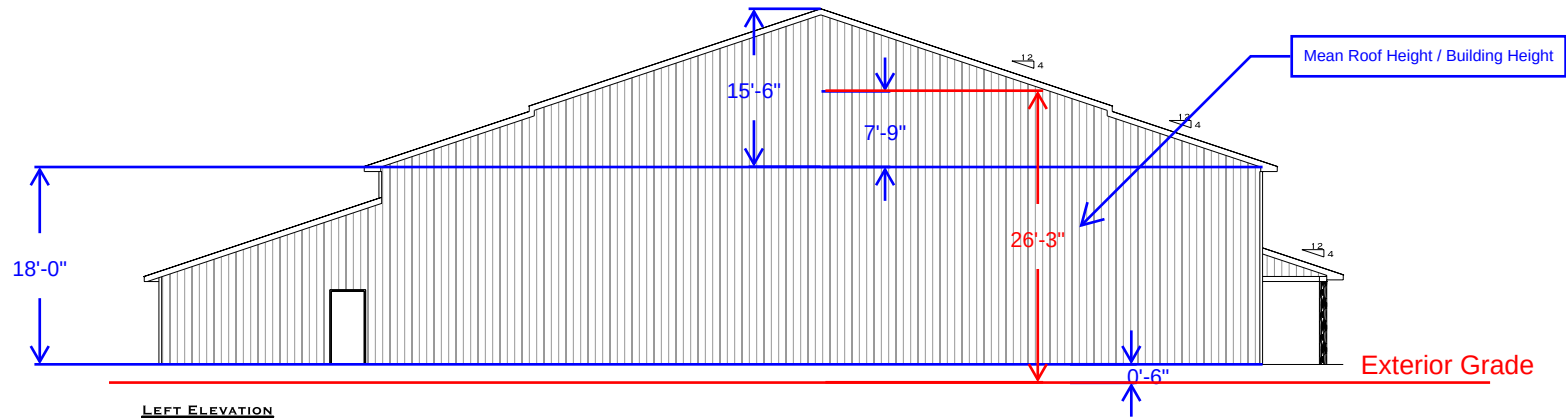
Describe how these limitations would deprive you of reasonable use of the land or building involved, and result in unnecessary hardship.

I have brought in 600 loads of fill dirt to build up and protect the structure from the possibility of flooding. A wall height limitation of 16 ½ would limit access into the garages and cause the ceiling heights on the first or second floors to be lower than standard and a diminishment of value.

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

With the 1 ½ ft variance approval the wall height on first and second floor would be of standard build height and match the shop height for a continuous roof line of the build and most cost effective approach.





LEFT ELEVATION



RIGHT ELEVATION