

Board of Adjustment

MEETING
December 4, 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 October 2, 2025 meeting

2. PUBLIC COMMENT

Limited to items at the previous Board of Adjustment meeting.

3. PUBLIC HEARINGS

A. Sattler's Sunrise Seventh Addition, Block 10, Lot 12

Variance from Section 14-03-08(4)(c) of the City Code of Ordinances (Supplementary Provisions)(Location of Residential Accessory Buildings) | VAR2025-008

4. OTHER BUSINESS

5. ADJOURN

A. The next meeting of the Bismarck Board of Adjustment is scheduled for January 8, 2026.

**BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES
October 2, 2025**

The Bismarck Board of Adjustment met on October 2, 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 Curt Janssen, Chris Seifert, Al Wangler, Rick Wohl, and Chair Jennifer Clark.

Appearing via Zoom was Jeremy Weisen – ISG Architect and consultant for the University of Mary.

Staff members present were Brady Blaskowski – Building Official, Annie Hojian – Administrative Assistant, Daniel Nairn – Acting Community Development Director, and Jenny Wollmuth – Senior Planner.

MINUTES:

Chair Clark called for approval of the minutes of the August 7, 2025 meeting of the Board of Adjustment.

MOTION: A motion was made by Mr. Janssen to approve the minutes of the August 7, 2025 meeting, as written. The motion was seconded by Mr. Wangler and the minutes were unanimously approved with Board Members Janssen, Seifert, Wangler, Wohl, and Chair Clark, voting in favor.

PUBLIC COMMENT:

There were no public comments.

VARIANCE FROM SECTION 14-04-01(7) OF THE CITY CODE OF ORDINANCES (RR – RESIDENTIAL/HEIGHT LIMITS) UNIVERSITY OF MARY SUBDIVISION, BLOCK 1, LOTS 2A, 2B, 3, 4A, 4B, 5A, 5B AND 5C.

Ms. Wollmuth stated that the University of Mary is requesting approval of a variance at 7500 University Drive (Lots 2A, 2B, 3, 4B, 5A, 5B, and 5C, Block 1, University of Mary Subdivision, from the following sections of the City's Zoning Ordinance:

- 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 proposed variance is located in south Bismarck, south of 48th Avenue along the west side of University Drive/Highway 1804 South.

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

Mr. Janssen asked when the property was zoned RR - Residential. Ms. Wollmuth replied that the property is in the Extraterritorial Area (ETA) and was zoned RR – Residential prior to 1980. She further stated approximately 5-8 years ago a request to rezone this property from RR - Residential to P – Public was made by the property owner, and the request was not approved by the Bismarck City Commission.

Jeremy Weisen presented to the board via Zoom the basis for this request is accommodation for the needs of the University of Mary within the space. The University of Mary is attempting to develop a premier athletic complex with the dome structure hosting a number of different events, including soccer, basketball and football. Due to the nature of these games, and the overall size of the proposed structure, a height variance is being sought.

Mr. Janssen stated that upon researching domes he found that most domes have a height that is 30% of the total width of the building.

Mr. Weisen affirmed this and stated the reason was for snow load and also, to obtain the correct height angles around the perimeter of the building to ensure wall heights are not compromised.

Ms. Clark stated if there was a motion to approve the variance request, she would ask that the motion include the necessary findings of fact.

MOTION: A motion was made by Mr. Janssen to approve the variance with the hardship being the unique situation with RR – Residential zoning noting that at the time the property was zoned, temporary domed structures did not exist and the ordinance itself is the hardship. He also stated without the variance it would deprive the applicant of the use of the property. The minimum variance would grant the applicant with the necessary items to use their land in a reasonable manner. The minimum variance is in harmony with the general purposes of the institution and property and does not create injury to any adjacent property owners. The motion was seconded by Mr. Seifert. Board members Wangler, Seifert, Janssen and Chair Clark voted in favor and the variance was approved. Board Member Wohl was opposed.

VARIANCE FROM SECTION 14-04-17(11) OF THE CITY CODE OF ORDINANCES (A – AGRICULTURE/ACCESSORY BUILDINGS) AUDITOR’S LOT S-3, IN THE EAST ½ OF SECTION 25, HAY CREEK TOWNSHIP.

Ms. Wollmuth stated that Lonnie Barth is requesting approval of a variance at 2528 River Road (Auditor’s Lots S-3, in the East ½ of Section 25, Hay Creek Township) from the following section of the City’s Zoning Ordinance:

- Section 14-04-17(11) of the City Code of Ordinances (A – Agricultural/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.

The proposed variance is located west of Bismarck, between Interstate 94 and Wilderness Cove Road, along the west side of River Road.

Ms. Wollmuth provided an overview of the request, including background information of the property and findings of fact. She then explained to the Board, if they choose to approve the

variance as proposed, that they must identify a hardship and modify the review standards or findings outlined in the staff report to support their decision.

Ms. Clark clarified the variance request includes a request to increase the side wall height and building height. Ms. Wollmuth stated this was correct and that upon review of the request, Building Inspections staff found that should the side wall height be increased as requested the building height would also be increased and over the allowable maximum height.

The applicant was not present nor was any representative for the applicant present.

MOTION: A motion was made by Mr. Janssen to deny the variance. The motion was seconded by Mr. Wohl and with Board Members Seifert, Janssen, Wangler, Wohl, and Chair Clark voting in favor, the variance was denied. This decision may be appealed.

OTHER:

No other business was identified.

ADJOURNMENT:

There being no other business, Chair Clark declared the meeting of the Bismarck Board of Adjustment adjourned at 5:25 p.m. to meet again on November 6, 2025.

Respectfully Submitted,

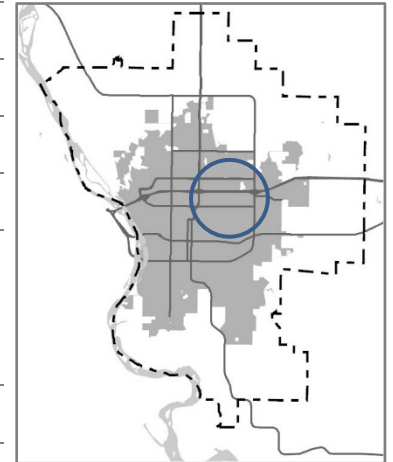
Annie Hojian
Recording Secretary

APPROVED:

Chair

Project Summary

<i>Title:</i>	Sattlers Sunrise Seventh Addition, Block 10, Lot 12
<i>Status:</i>	Board of Adjustment - Public Hearing
<i>Property Owner(s):</i>	Jeremy and Amber Hasenyager
<i>Project Contact:</i>	Jeremy and Amber Hasenyager
<i>Project Location:</i>	In northeast Bismarck, north of East Century Avenue and east of Centennial Road, in the southeast quadrant of the intersection of Roosevelt Drive and 43rd Avenue NE
<i>Project Size:</i>	14,204 square feet
<i>Applicant Request:</i>	Variance from Section 14-03-08(4)(c) 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 lot 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>	R5 – Residential	<i>Zoning:</i>	No change
<i>Uses Allowed:</i>	Single-family residential	<i>Uses Allowed:</i>	No change
<i>Max Density:</i>	R5 – 5 units / acre	<i>Max Density:</i>	No change

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Sattler Sunrise

Property History

<i>Zoned:</i>	09/2008
<i>Platted:</i>	09/2008
<i>Annexed:</i>	03/2009

Project Narrative

Jeremy and Amber Hasenyager request approval of a variance from Section 14-03-08(4)(c) of the City Code of Ordinances (Supplementary Provisions)(Location of Residential Accessory Buildings) to reduce the front yard setback along the north side of the property from 25 feet to 15 feet for an existing accessory building at 4225 Roosevelt Drive (Lot 12, Block 10, Sattlers Sunrise Seventh Addition).

Background Information

The subject accessory building was recently constructed without a building permit. Records provided by the Building Inspection Department indicate that the contractor emailed the residential plans examiner on March 11, 2025, to ask about the required setbacks for a proposed accessory building. The residential plans examiner replied with the required setbacks on the same day, noting that the property was a corner lot and that a 25-foot front yard setback along Roosevelt Drive and 43rd Avenue NE would be required. A copy of the email is attached.

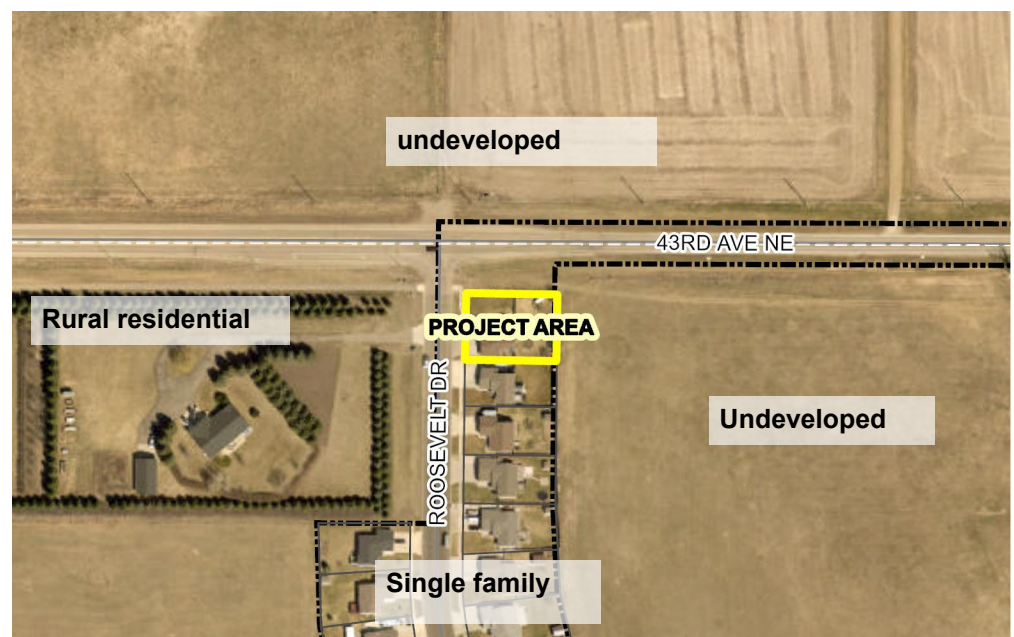
During an inspection in the area, a Building Inspector noticed that the accessory building was under construction without a permit. The Building Inspection Department notified the contractor that a permit was required, and a permit was applied for on July 10, 2025. Upon review of the permit and required lot survey, staff determined that the accessory building did not meet the required 25-foot front yard setback along the north side of the property and that the building was approximately 15 feet from the property line.

The City of Bismarck is in the process of updating zoning requirements. The most recent draft of the proposed Land Development Code includes provisions for setbacks for residential properties on corner lots. In particular, a front yard setback along a side street, a street that the property is not accessed from, is proposed to be 15 feet in the equivalent zoning district. The Land Development Code is anticipated to be finalized and adopted in the spring of 2026.

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 undeveloped land to the north and east, single-family residential uses to the south, and an existing rural residence to the east, across Roosevelt Drive.

Public Engagement

The public has been duly notified of this request. Fourteen letters were mailed to the owners of nearby properties on November 25, 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.

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. Site Exhibit
4. Email correspondence

(continued)

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



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)

4225 Roosevelt Drive Bismarck

Location of Property:

☒ City of Bismarck

☐ ETA

Type of Variance Requested:

Set back

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.)

See attached statement

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

See attached statement

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

see attached statement

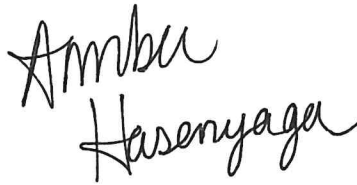
Jeremy & Amber Hasenyager
4225 Roosevelt Drive
Bismarck, ND 58503

Variance Hardship Statement (Detached Shop – R5 Zone)

The strict application of the 25-foot setback from the north property line creates a hardship that prevents reasonable use of my property for a detached shop. The structure was placed by the contractor before permits were issued, under the understanding that a 15-foot setback would be acceptable based on access and layout of the property.

If the structure were moved 10 feet further south to meet the current 25-foot setback, the west-facing garage door would become difficult to access because it would be blocked by the existing home. The current position allows safe and functional access from the driveway, while meeting the general intent of the setback rule.

I understand that the City is considering a future amendment to reduce this setback requirement to 15 feet in R5 zones, but that change has not yet been approved. Granting this variance now would allow the property to function as intended and align with the City's planned update to the ordinance, without negatively affecting neighboring properties or the character of the area.



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

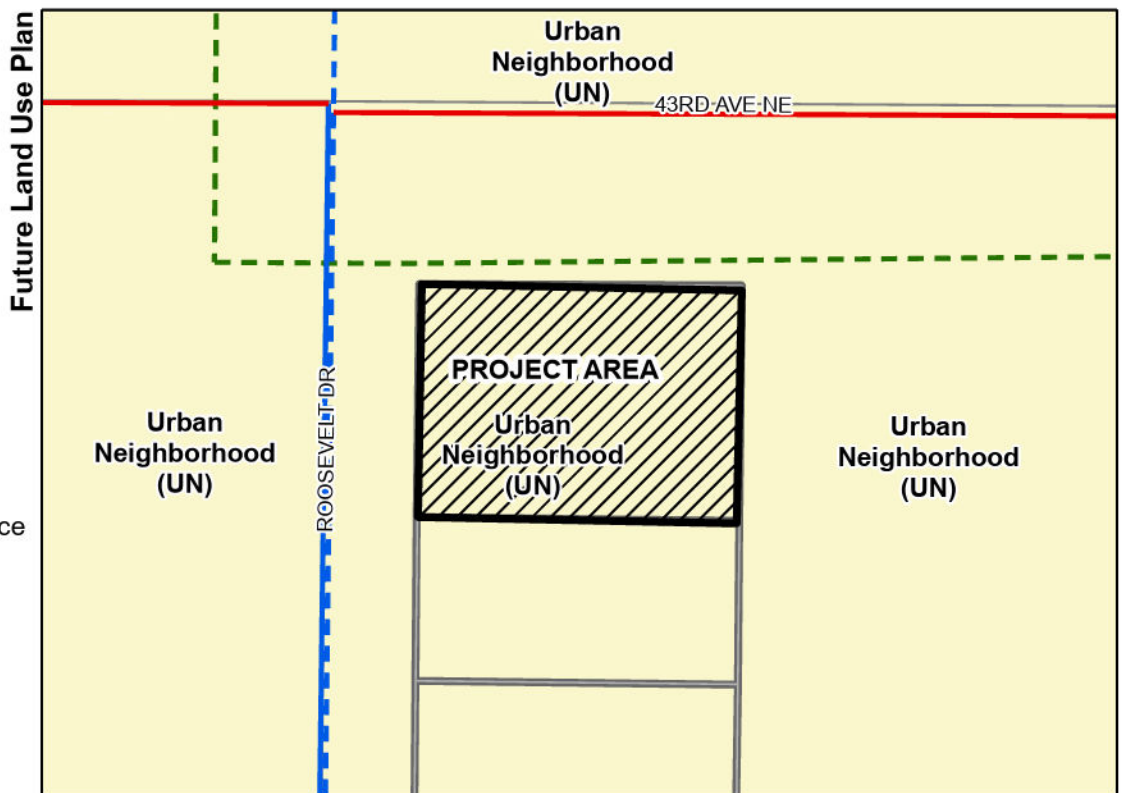
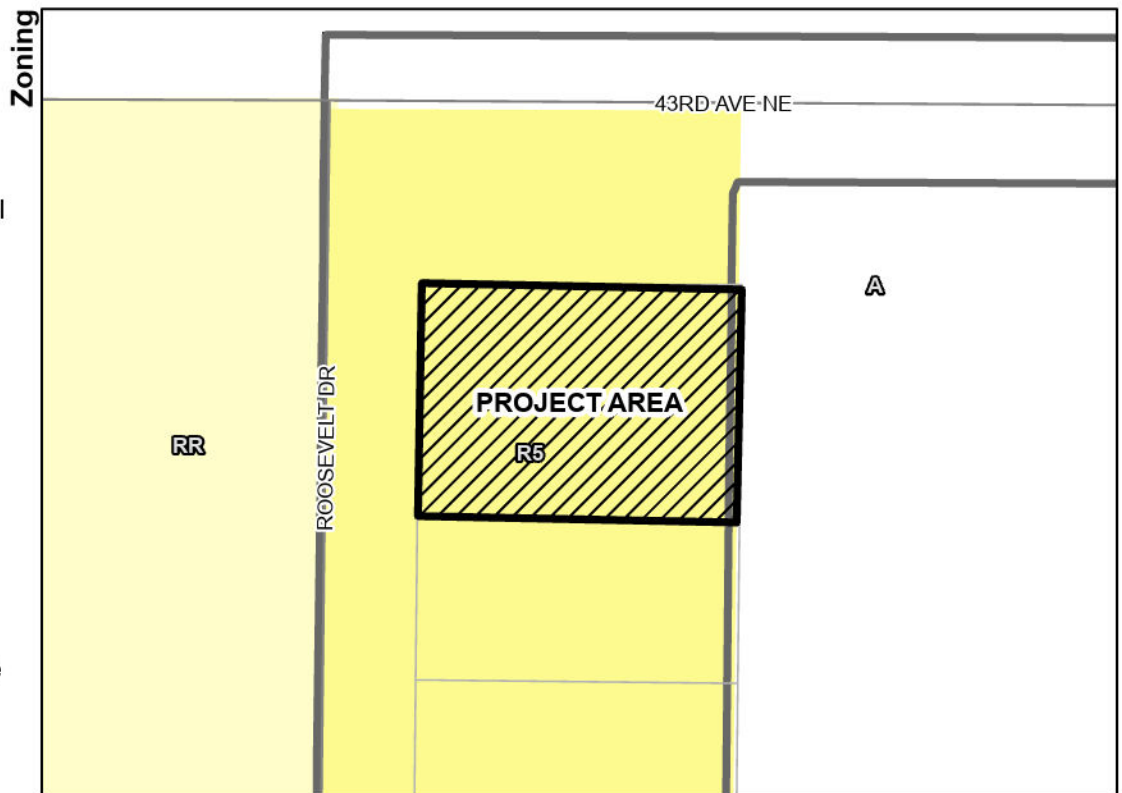
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

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 hereon.

0 60 120 240 Feet



City of Bismarck
Planning Department
November 24, 2025

LOT SURVEY EXHIBIT

LOT 12 BLOCK 10
 SUBDIVISION SATTLE'S SUNRISE 7TH ADDITION
 ADDRESS 4225 ROOSEVELT DRIVE, BISMARCK
 BUILDER SPARLING CONSTRUCTION



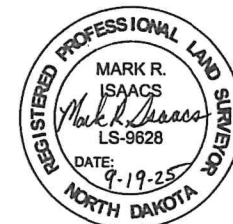
SCALE: 1" = 20'
 0 10 20

BASED ON NORTH DAKOTA SOUTH
 ZONE-NAD83(2011), INTERNATIONAL
 FEET.

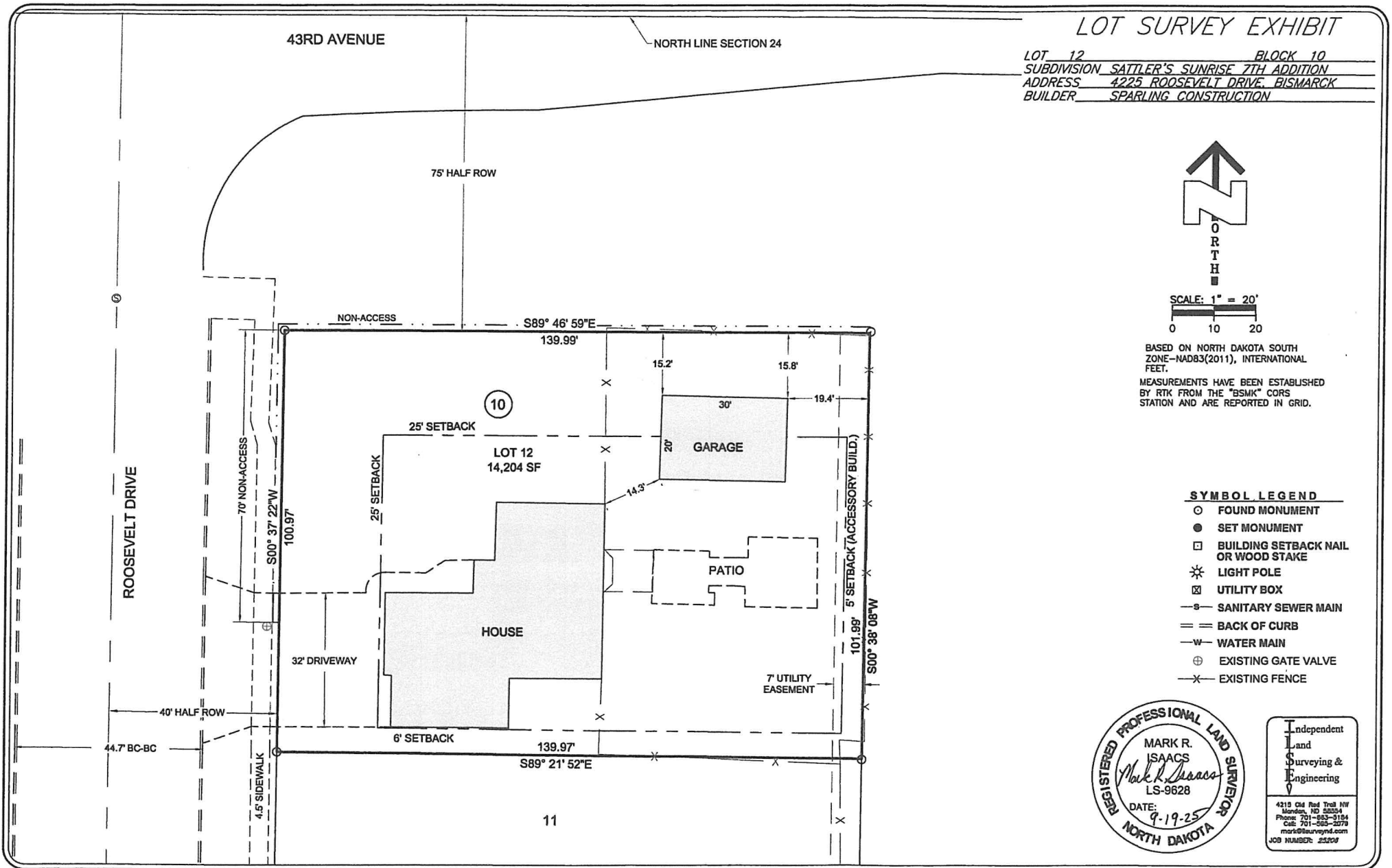
MEASUREMENTS HAVE BEEN ESTABLISHED
 BY RTK FROM THE "BSMK" CORS
 STATION AND ARE REPORTED IN GRID.

SYMBOL LEGEND

- FOUND MONUMENT
- SET MONUMENT
- BUILDING SETBACK NAIL OR WOOD STAKE
- ✱ LIGHT POLE
- ⊠ UTILITY BOX
- S— SANITARY SEWER MAIN
- == BACK OF CURB
- W— WATER MAIN
- ⊕ EXISTING GATE VALVE
- X— EXISTING FENCE



Independent
 Land
 Surveying &
 Engineering
 4219 Old Red Trail NW
 Bismarck, ND 58504
 Phone: 701-663-3154
 Cell: 701-565-2279
 mark@surveynd.com
 JOB NUMBER 225204



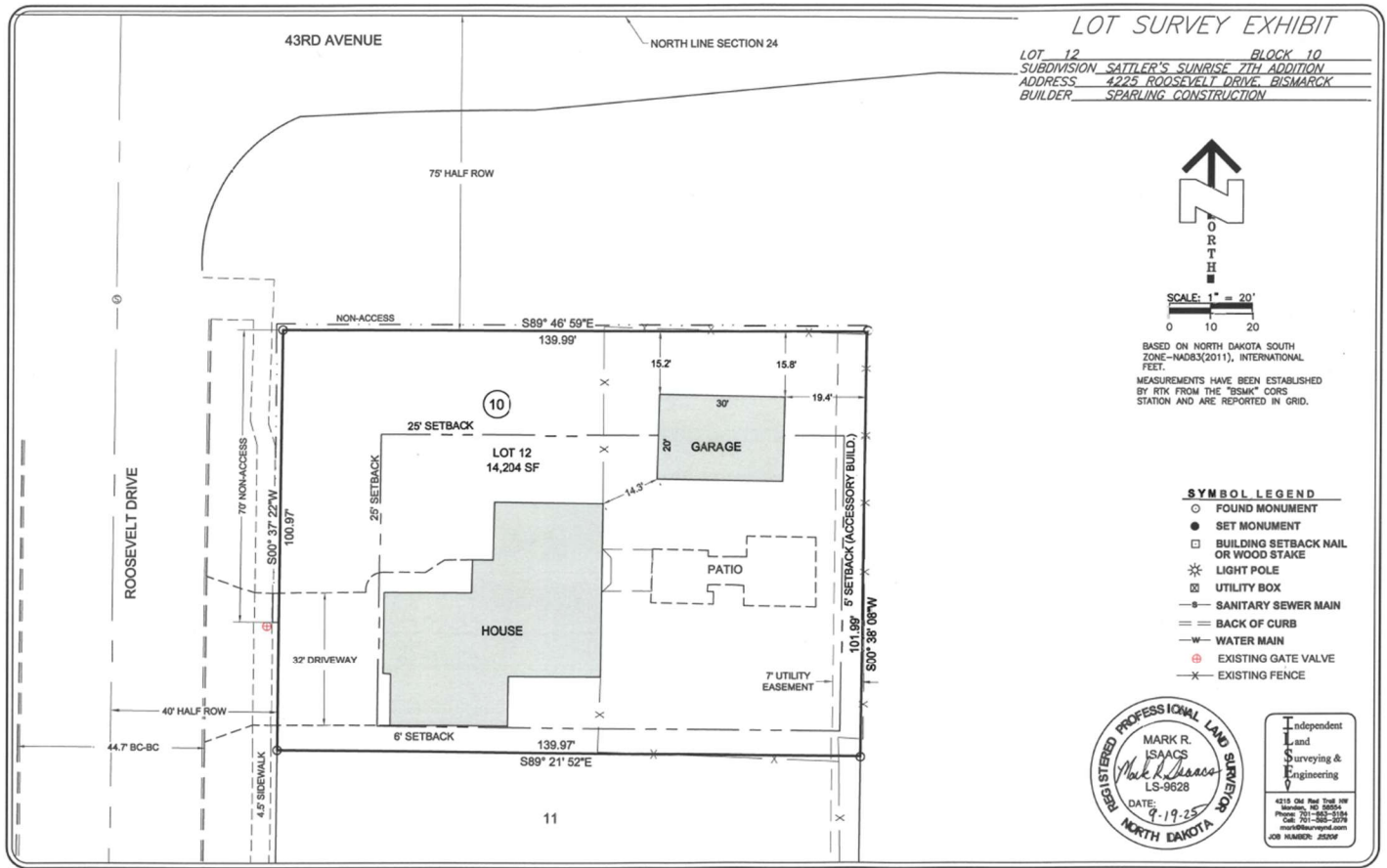
Eric Hieb

Project Coordinator/ Estimator

Sparling Construction, Inc.

2011 Lovett Ave

Bismarck, ND 58504



From: Mark Kern <m.kern@bismarcknd.gov>

Sent: Tuesday, October 21, 2025 4:15 PM

To: Eric Hieb

Subject: RE: PO: Hasenyager (4225 Roosevelt Dr.)

Hi Eric,

This is the same email that I sent to the homeowner regarding the current setback violation for the detached accessory building. I met with the director of the planning department and director of the building inspections department this morning to go over the current location of the building and what options there are.

- The current required setback, under today's Title 14 zoning requirements, is 25' from the north property line. I've copied the ordinance section below. It's section 14-03-05 (4) (c). Here is a link to the zoning ordinance: <https://www.bismarcknd.gov/111/Building-Inspections>

Sent: Tuesday, October 21, 2025 4:29 PM
To: [REDACTED]
Subject: RE: 4225 ROOSEVELT DR

I wanted to make this clear, as I'm not sure I have yet. The violation is against the contractor, Sparling Construction, not you as the homeowner. They are the ones who built the building without a permit, and they are the ones who did apply for the permit after a member of our inspection staff saw the building being built and verified with me that a permit had not been issued yet.

I have also sent Eric Heib, with Sparling Construction, the same email that I just sent you.

Let me know if you have any questions.

Regards,

Building Plans Examiner

Sent: Wednesday, October 22, 2025 6:41 AM

To: Mark Kern <mkern@bismarcknd.gov>

Subject: Re: PO: Hasenyager (4225 Roosevelt Dr.)

Thank you for the help on this one. I will reach out to the homeowner to see how he wants to proceed.

Thank you,

Eric Hieb

Project Coordinator/ Estimator

Sparling Construction, Inc.

2011 Lovett Ave

Bismarck, ND 58504