

**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.

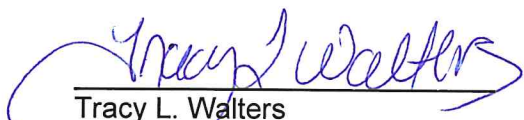
Mr. Seifert added that seeing no one, he closed the public comments and asked for the wishes of the Board.

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