

**BISMARCK BOARD OF ADJUSTMENT  
MEETING MINUTES  
January 8, 2026**

The Bismarck Board of Adjustment met on January 8, 2026, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 N 5<sup>th</sup> Street.

Board members present were Curt Janssen, Kim Lee, Chris Seifert, Al Wangler, and Chair Jennifer Clark.

Staff members present were Brady Blaskowski – Building Inspections Director, Annie Hojian – Administrative Assistant, and Daniel Nairn – Planning Director, Jenny Wollmuth – Senior Planner.

**APPOINTMENTS AND ELECTIONS:**

Board member Chris Seifert was reappointed to the Board of Adjustment. Kim Lee was introduced and appointed to the Board of Adjustment. Both will serve a 3-year term expiring December 31, 2028.

Past board member Rick Wohl was recognized for his years of service to the Board of Adjustment.

Elections for officers was conducted.

**MOTION:** A motion was made by Mr. Seifert to re-elect current Chair Jennifer Clark to the position of Chair. The motion was seconded by Mr. Janssen and with Board Members Lee, Wangler, Janssen, Seifert and Chair Clark all voting in favor, the motion passed.

**MOTION:** A motion was made by Mr. Janssen to re-elect current Vice Chair Chris Seifert to the position of Vice Chair. The motion was seconded by Mr. Wangler and with Board Members Lee, Wangler, Janssen, Seifert and Chair Clark all voting in favor, the motion passed.

**PUBLIC COMMENT:**

There were no public comments.

**MINUTES:**

Chair Clark called for approval of the minutes of the December 4, 2025 meeting of the Board of Adjustment.

**MOTION:** A motion was made by Mr. Janssen to approve the minutes of the December 4, 2025 meeting, as written. The motion was seconded by Mr. Seifert and the minutes were unanimously approved with Board Members Janssen, Lee, Seifert, Wangler, and Chair Clark voting in favor.

**Variance from section 14-03-05(4)(c) of the City Code of Ordinances (Supplementary Provisions)(Location of Residential Accessory Buildings) Sattler's Sunrise Seventh Addition, Block 10, Lot 12.**

The Board of Adjustment did previously hear this request on December 4, 2025. At the conclusion of the hearing, the Board voted 3:1 to approve the variance and it was announced at the meeting that the variance was approved. Per section 40-47-07 of the North Dakota Century Code, a concurring vote of 4 members of the Board of Adjustment is required to approve a variance, therefore approval of the variance is not valid. The City Attorney has advised staff that a reintroduction of this request and a new vote be held. The applicant and their contractor have been made aware of this error via phone and certified letter.

Ms. Wollmuth stated that homeowners, Jeremy and Amber Hasenyager, are requesting approval of a variance at 4225 Roosevelt Drive (Lot 12, Block 10, Sattler's Sunrise Seventh Addition), from the following section of the City's Zoning Ordinance:

- Section 14-03-05(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 Sattler's Sunrise Seventh Addition).

The proposed variance is located at 4225 Roosevelt Drive in northeast Bismarck, south of 43<sup>rd</sup> Avenue NE along the east side of Roosevelt Drive.

Ms. Wollmuth informed the Board that the City of Bismarck is currently in the process of updating zoning requirements to a new Land Development Code (LDC). The most recent draft of the proposed LDC 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 10 feet in the equivalent zoning district. The LDC is proposed to be adopted and finalized in the spring of 2026.

Ms. Wollmuth went on to provide 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.

**MOTION:** A motion was made by Ms. Lee to deny the variance based on current ordinances and having not met the burden to successfully argue a hardship has been established. Mr. Janssen seconded the motion. Board members Wangler and Seifert were opposed. Board member Lee, Janssen, and Chair Clark voted in favor of the motion. The variance was denied. Note: to grant a variance, 4 concurring votes are necessary to approve the request per section 40-47-07 of the North Dakota Century Code and section 14-06-03 (2) of the City Code of Ordinances.

Mr. Janssen reiterated had a permit been applied for prior to the start of construction, the setback requirements would have been evident, and the building would have been placed properly. He noted that a permit was applied for 4 months after the fact, and agrees with Ms. Lee that there is not a hardship for this particular lot. Mr. Janssen further highlighted in the applicant's written statement of hardship, the applicant wrote "under the understanding that 15 foot setback would be acceptable based on access and layout of the property." Mr. Janssen believes staff would not have stated a 15 foot setback would be acceptable as the allowable setbacks proposed in the new LDC has not yet been adopted or changed. As he stated in the December 2025 meeting for this variance request, decisions must be made in accordance with

the current ordinances and not what might be in the future. No concrete or electrical inspections were performed due to a building permit not being issued.

Mr. Seifert believes the statement regarding a 15 foot statement is the contractor's knowledge of the proposed changes in the LDC. Mr. Seifert stated this is an unusual lot and the change in the setback will not cause anybody any danger and nobody would know it's there. The building is existing and although it is not a guarantee the changes in setback requirements will be approved by the city, he does not see a problem with granting the variance request. He later stated that the property is surrounded by a fence when there was discussion regarding 43<sup>rd</sup> Avenue NE being an arterial roadway.

Ms. Lee asked the board, had the request been made to grant the variance prior to the start of any construction, if the board would have granted the request. Chair Clark stated upon review of materials, financial hardship cannot be a factor in determining a variance request. This request should be treated as though it is just coming in without a building in place already. Ms. Lee stated that 43<sup>rd</sup> Avenue NE is an arterial roadway and at some point in the future, it may look like Century Avenue. Using this as a reason to push it closer to that property line would not be permissible in another situation in the community.

Mr. Wangler brought board members' attention to page 13 of the agenda packet, agenda item 4.A., in the second to the last paragraph regarding the City of Bismarck updating the LDC and a distance of 10 feet as a building setback is proposed. Ms. Wollmuth explained to the board the proposed setback for accessory structures will be 10 feet in the latest draft of the proposed LDC. The 15 foot setback in the proposed LDC applies to the principal structure.

#### **OTHER:**

Ms. Wollmuth presented the Board of Adjustment with an overview of the Procedures and Protocols as well as the Bylaws.

Mr. Seifert asked for clarification of the required number of board members in the bylaws. It is stated that 6 members shall be appointed and 4 votes are necessary to approve a variance. Ms. Wollmuth explained in prior years, the Board of Adjustment included 5 members, however it was difficult to meet quorum to conduct a meeting. Due to this, it was determined 6 members shall be required, with the intent at least 4 members should be able to attend a meeting and meet quorum requirements. The City Attorney notified staff a couple years ago that the ordinance and bylaws stated 6 members in error, however as North Dakota Century Code states 5 members are required. At that time, the 6<sup>th</sup> member was determined to be an "alternate". Currently there is not a 6th member appointed to the Board as an alternate, however, if the board would like, this can be accomplished. Ms. Wollmuth also noted in other communities, while quorum calls are being conducted, in the event only 4 members will be present, the applicant is notified and given the option to proceed with the meeting as scheduled or postpone the hearing for their request. Chair Clark stated having an alternate board member available for a meeting is not necessary as members may attend a meeting remotely. She also agreed with allowing the applicant the option to proceed with the meeting as scheduled or postponing the meeting in the event only 4 board members will be present. Ms. Wollmuth agreed and stated staff will begin doing this.

Mr. Wangler stated the discrepancy of 6 members exists on the website and search for "board of adjustment". Ms. Wollmuth stated that staff will work to have this corrected.

Ms. Lee suggested a statement "a denial requires a simple majority" may be beneficial to add to the bylaws to promote clarity and understanding. Ms. Wollmuth said that this would be added to the bylaws.

**MOTION:** A motion was made by Mr. Janssen to approve the bylaws as amended, Article 3 Item A, the board of adjustment shall consist of 5 members not 6, Article 6 Item b, a simple majority is needed to deny a request. Mr. Seifert seconded the motion and with Board Members Lee, Janssen, Seifert, Wangler and Chair Clark all in agreement, the motion passed.

Ms. Wollmuth will amend the bylaws and they will be available for review and approval at the next meeting.

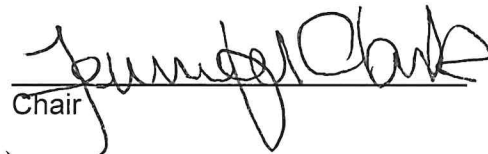
**ADJOURNMENT:**

There being no other business, Chair Clark declared the meeting of the Bismarck Board of Adjustment adjourned at 5:43 p.m. The next Bismarck Board of Adjustment meeting will be February 5, 2026.

Respectfully Submitted,

  
Annie Hojian  
Recording Secretary

APPROVED:

  
Chair