

Board of Adjustment

MEETING
September 3, 2026

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. Approval Of Meeting Minutes

2. PUBLIC COMMENT

A. Public Comment Policy

3. PUBLIC HEARINGS

A. Appeal of Notice and Order (APPL2026-001)
Barbie's Neighborhood Subdivision, Block 1, Lot E of Lot 1 (5215 East Main Avenue)

4. OTHER BUSINESS

ADJOURN

The next regular meeting date is scheduled for October 1, 2026, at 5:00 pm in the Tom Baker Meeting Room.

**BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES
June 4, 2026**

The Bismarck Board of Adjustment met on June 4, 2026, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 N 5th Street. The meeting was held in person and via Zoom. Dakota Media Access was present to record the meeting and archive on DakotaMediaAccess.org for public viewing.

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, Sarah Fricke – Senior Administrative Assistant, Annie Hojian – Code Enforcement Officer, Daniel Nairn – Planning Manager, and Jenny Wollmuth – Senior Planner.

PUBLIC COMMENT:

There were no public comments.

MINUTES:

Chair Clark called for approval of the minutes of the February 5, 2026 meeting of the Board of Adjustment.

MOTION: A motion was made by Mr. Seifert to approve the minutes of the February 5, 2026 meeting. The motion was seconded by Mr. Janssen and the minutes were unanimously approved with Board Members Janssen, Lee, Seifert, Wangler, and Chair Clark voting in favor.

SUMMARY OF LAND DEVELOPMENT CODE

Mr. Nairn presented an overview of the recently approved Land Development Code, focusing on the portions that will directly affect the Board of Adjustment. He said the appeal process will remain the same and variance process will not change except for the addition of a variance category: Historic Preservation Variance Review Criteria.

Ms. Wollmuth introduced Annie Hojian as the city's first Code Enforcement Officer. Ms. Hojian stated her goal is to bring fairness to the residents of Bismarck. Chair Clark asked whether the new LDC has affected her yet. Ms. Hojian said because the LDC is not in effect until October 1, 2026, it has not presented any issued at this time.

ADJOURNMENT:

There being no other business, Chair Clark declared the meeting of the Bismarck Board of Adjustment adjourned at 5:13 p.m. The next Bismarck Board of Adjustment meeting will be July 2, 2026.

Respectfully Submitted,

Sarah S. Fricke
Recording Secretary

APPROVED:

Chair

DRAFT



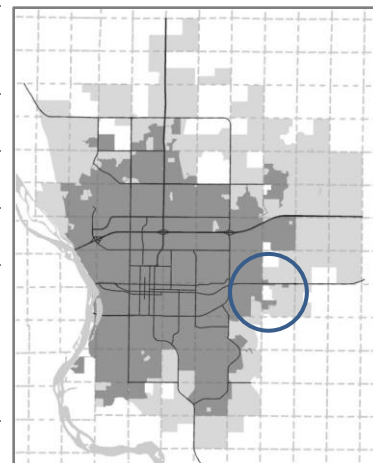
Public Comment Policy

The Board of Adjustment welcomes and values public input during its meetings. This policy outlines the procedures for public comment to ensure that all individuals have a fair opportunity to be heard while maintaining an orderly, transparent, and efficient meeting environment.

1. A public comment agenda item will be the first non-procedural agenda item at all regular meetings of the Board of Adjustment.
2. To provide public comments, each individual must sign a speaker sheet located at the podium that includes the individual's name and address. A reasonable accommodation will be made for those requiring it pursuant to the City's Title VI policy.
3. Each individual will be allotted up to five minutes to make comments; the time may be extended at the discretion of the chair. The individual will be notified when the time has expired.
4. An individual may not yield his or her allotted time to another individual.
5. The public comment agenda item may be limited to a total of thirty minutes. The initial thirty minutes may be extended at the discretion of the chair, but each speaker will continue to be limited to five minutes.
6. All comments must address an item of the current agenda or an agenda item from the preceding meeting.
7. Comments may not:
 - a. Be defamatory, abusive, harassing, or unlawful.
 - b. Include information that is exempt or confidential under North Dakota open records law.
 - c. Interfere with the orderly conduct of the meeting.
 - d. Must be pertinent to the public entity.

Project Summary

<i>Title:</i>	Barbie's Neighborhood Subdivision, Block 1, Lot E of Lot 1 (5215 East Main Avenue)
<i>Status:</i>	Board of Adjustment – Public Hearing
<i>Property Owner(s):</i>	NoDak Recreation LLC
<i>Project Contact:</i>	Noah Hamre, NoDak Recreation LLC
<i>Project Location:</i>	In east Bismarck, east of North Bismarck Expressway in the southeast quadrant of the intersection of East Main Avenue and 52nd Street NE
<i>Project Size:</i>	78,708 square feet
<i>Applicant Request:</i>	Appeal of Notice and Order



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>Future Land Use:</i>	Parks and Open Space (PKOS)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	CG – Commercial	<i>Zoning:</i>	No change
<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	No change

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	04/1978
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	02/1997
<i>Neighborhood:</i>	Old Highway 10	<i>Annexed:</i>	Pre-1980

(continued)

Project Narrative

Noah Hamre, NoDak Recreation LLC, is appealing the July 13, 2026, Notice and Order for his property located at 5215 East Main Avenue.

The Notice and Order was issued following a Zoning Interpretation by the Planning Director/Zoning Administrator based on site observations and discussions with the property owner confirming that the lot is used to store inventory, which is categorized as Industrial Group A in the zoning ordinance, while sales occur at a different location.

The property is zoned CG – Commercial. Storage is not a permitted use within this zoning district. The City's Zoning Ordinance classifies storage as Industrial Group A, which is permitted only in the MA – Industrial and MB – Industrial zoning districts.

Sales currently occur at a separate property owned by NoDak Recreation LLC located at 1429 Burlington Avenue Unit 1. The applicant has indicated a willingness to transition toward

utilizing this site as the primary retail location but this has not yet occurred.

The Notice and Order requires compliance with the City's Zoning Ordinance by October 11, 2026. To comply, NoDak Recreation LLC must take one of the following actions:

1. Remove all items currently being stored on the property.
2. Move all sales activities to the property and complete the required site development including approval of a site plan and completing all required site improvements such as paving the property, implementing appropriate stormwater management measures, and installing landscaping including a buffer yard along the south side of the property.

Project Context

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

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



(continued)

The property has been identified as Parks and Open Space (PKOS) in the Future Land Use Plan. The PKOS areas are kept in largely natural state, providing many important functions for the community and ecosystem.

This land use designation is due to a significant portion of the property being located within the Special Flood Hazard Area (SFHA).

Background Information

The property was zoned CG – Commercial in April 1978. A zoning map amendment was requested in 2025 by a previous property owner to rezone the property to Conditional MA – Industrial. The conditional zoning would limit industrial uses to outdoor storage, portable storage containers, and accessory buildings and meet development standards for outdoor lighting, noise and order control, and landscaping and screening.

The Planning and Zoning Commission held a public hearing on the zoning map amendment in February 2025 and voted unanimously to deny the request. The [staff report](#) and [meeting minutes](#) from this meeting are available for review.

Fill material to create a developable area was placed on the property in spring-summer 2024, around the time an excavation permit was approved to relocate the existing approach south to its current location.

The property was transferred to the applicant in June 2025. Around that time, gravel was placed on site, and storage of recreational vehicles, campers, boats, and trailers began.

A code compliance case was opened on July 14, 2025, after a complaint was received that recreational vehicles were being stored on site. Case details including inspection notes, correspondence, and pictures are attached.

Applicable Sections of the Zoning Ordinance

[Section 14-03-07\(3\)](#) | Retail Group B (pg. 51). A use where the principal activity is the retail sale of merchandise taken by truck. Examples include auto, truck, and trailer sales, commercial greenhouses, and farm implement stores.

[Section 14-03-07\(13\)](#) | Industrial Group A (pg. 57). A use involving the manufacturing, storage, or sale of heavy building materials or equipment. Examples include storage, manufacturing, and building materials sales yards, including sand and gravel sales. Industrial Group A is only permitted in the MA – Industrial and MB - Industrial zoning districts.

[Section 14-04-12](#) | CG Commercial District (pg.197). A heavy commercial area located outside the central business district intended to provide commerce and services to Bismarck and the surrounding region. This zoning district permits multifamily residential uses and general commercial uses, including Retail Group B.

[Section 14-04-14](#) | MA Industrial District (pg. 201). A heavy commercial and light industrial district permitting commercial uses such as Retail Group B, and industrial uses such as Industrial Group A.

[Section 14-04-15](#) | MB Industrial District (pg. 204). A heavy commercial and heavy industrial district permitting commercial uses such as Retail Group B, and industrial uses such as Industrial Group A.

Public Engagement

The public has been duly notified of this request. Thirty-five postcards were mailed to the owners of nearby properties on August 21, 2026.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on August 21, 2026.

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

(continued)

Projects Dashboard and 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.

Zoning Ordinance Interpretation

The Planning Director/Zoning Administrator reviewed the zoning ordinance and, based on site observations and discussions with the property owner confirming that the lot is used to store inventory, determined that the property is being used for storage, which is categorized as Industrial Group A in the zoning ordinance, and not permitted in the CG – Commercial zoning district.

Staff Recommendation

Staff recommends reviewing the information submitted for the appeal and all testimony made during the public hearing and either:

1. Uphold the Notice and Order. The Board agrees with the Planning Director/Zoning

Administrator's interpretation. The Notice and Order remains fully in effect, and the property owner must bring the property into compliance.

2. Overturn the Notice and Order. The Board determines that the Planning Director/Zoning Administrator erred in interpreting the zoning ordinance and therefore cancels the Notice and Order, allowing the applicant to proceed without corrective action.

Attachments

1. Appeal of Notice and Order
2. Notice and Order
3. Zoning Determination
4. Case Inspections
5. Case Details
6. Fintan L Dooley Attorney, Letter to Board
7. Zoning Plan and Reference Map

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

From: Annie Hojian <ahojian@bismarcknd.gov>
Sent: Wednesday, July 22, 2026 10:11 AM
To: Nodak Rec [REDACTED]
Cc: Daniel Nairn <dnairn@bismarcknd.gov>; Jenny Wollmuth <jwollmuth@bismarcknd.gov>; Sarah Fricke <sfricke@bismarcknd.gov>
Subject: RE: Board of Adjustment Appeal Request for 5215 E Main Avenue

Noah,

Your request has been received. An applicant letter containing information for your appeal to be heard at the **September 3, 2026**, Board of Adjustment meeting at 5:00 p.m. in the Tom Baker Meeting Room will be sent to you.

If you have any questions, please feel free to contact me.

Annie Hojian
Code Enforcement Officer

City of Bismarck
Building Inspections
221 North Fifth Street
PO Box 5503
Bismarck ND, 58506-5503

Office Main Line: (701) 355-1465
Office Direct Line: (701) 355-1469
Fax: (701) 222-6450
Email: ahojian@bismarcknd.gov
Website: www.bismarcknd.gov/111/Building-Inspections

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From: Nodak Rec [REDACTED]
Sent: Tuesday, July 21, 2026 8:57 AM
To: Annie Hojian <ahojian@bismarcknd.gov>
Cc: Daniel Nairn <dnairn@bismarcknd.gov>; Jenny Wollmuth <jwollmuth@bismarcknd.gov>; Sarah Fricke <sfricke@bismarcknd.gov>
Subject: Re: Board of Adjustment Appeal Request for 5215 E Main Avenue

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Annie,

I am requesting that my appeal be heard at the regularly scheduled September 3, 2026, Board of Adjustment meeting instead of the August 6, 2026, meeting.

The reason for this request is that yesterdays meeting provided a significant amount of new technical information regarding the site development requirements, floodplain considerations, core permits/mitigations, phased development options, and the engineering work that will be necessary for this property. I believe additional time is needed to fully evaluate these requirements, consult with the appropriate professionals, and determine the most practical path toward bringing the property into compliance.

I would also prefer to have engineered site plans in hand before appearing before the Board of Adjustment. Having those plans available will allow me to demonstrate that I am actively working toward developing the property and achieving compliance with the City's requirements. I believe presenting the Board with a clear development plan, rather than discussing concepts alone, will allow them to better understand my commitment to moving this project forward.

I also want to ensure that I have sufficient time to gather all relevant information and present a complete and well-informed appeal to the Board. Delaying the hearing until September will allow me to better understand the City's requirements, finalize a development strategy, and provide the Board with a more thorough presentation of the circumstances and my proposed path forward.

Thank you for accommodating this request. I appreciate the time and assistance that City staff have provided throughout this process, and I look forward to continuing to work toward a resolution.

Sincerely,

Noah Hamre
NoDak Recreation

On Mon, Jul 20, 2026 at 4:54 PM Annie Hojian <ahojian@bismarcknd.gov> wrote:

Noah,

Thank you for taking the time to meet with Planning, Building Inspections, and Engineering (Stormwater) today regarding site development requirements for your property located at 5215 E Main Avenue. You indicated during this meeting you feel additional time would be beneficial to you before your appeal request of the Notice and Order, issued July 13, 2026, be heard at the regularly scheduled Board of Adjustment meeting on August 6, 2026.

If this is your intent and request, please respond to this email affirming you would like to have your appeal heard during the regularly scheduled September 3, 2026, Board of Adjustment meeting. Please include a brief explanation/rationale for the request.

The fee for appeal has been received as of today, July 20, 2026.

If you have any questions, please feel free to reach out to me. Thank you.

Annie Hojian

Code Enforcement Officer

City of Bismarck

Building Inspections

221 North Fifth Street

PO Box 5503

Bismarck ND, 58506-5503

Office Main Line: (701) 355-1465

Office Direct Line: (701) 355-1469

Fax: (701) 222-6450

Email: ahojian@bismarcknd.gov

Website: www.bismarcknd.gov/111/Building-Inspections

Facebook: facebook.com/bismarcknd.gov | **X:** x.com/BismarckNDGov | **Instagram:** instagram.com/bismarckndgov | **Threads:** [threads.net/@bismarckndgov](https://www.threads.net/@bismarckndgov) | **LinkedIn:** linkedin.com/company/CityOfBismarck | **YouTube:** youtube.com/bismarckndgov

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From: Annie Hojian

Sent: Friday, July 17, 2026 4:40 PM

To: 'Nodak Rec' [REDACTED]

Cc: [REDACTED] Jenny Wollmuth <jwollmuth@bismarcknd.gov>; Sarah Fricke <sfricke@bismarcknd.gov>

Subject: RE: Appeal request

Noah,

Thank you for your written request to appeal the Notice and Order issued on July 17, 2026, for 5215 E Main Avenue (CEZO2025-0003). The Board of Adjustment will meet on August 6, 2026, at 5:00 p.m. in the Tom Baker Meeting Room located at 221 N 5th Street.

I have cc'd Jenny Wollmuth, Senior Planner, and Sarah Fricke, Senior Administrative Assistant, on this request. Sarah will be able assist with the collection of appeal fees due

(\$250.00), or you may also make payment when you are here for your meeting on Monday, July 20, 2026, at 1:30 p.m.

If you have any questions, please feel free to contact me. Thank you.

Annie Hojian

Code Enforcement Officer

City of Bismarck

Building Inspections

221 North Fifth Street

PO Box 5503

Bismarck ND, 58506-5503

Office Main Line: (701) 355-1465

Office Direct Line: (701) 355-1469

Fax: (701) 222-6450

Email: ahojian@bismarcknd.gov

Website: www.bismarcknd.gov/111/Building-Inspections

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From: Nodak Rec [REDACTED]

Sent: Friday, July 17, 2026 3:01 PM

To: Annie Hojian <ahojian@bismarcknd.gov>

Cc: [REDACTED]

Subject: Appeal request

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Dear Annie,

I am writing to respectfully request that my case be placed before the Board of Adjustment for appeal regarding the Notice and Order issued for my property at 5215 E. Main Avenue.

Since receiving the notice, I have spent a significant amount of time reviewing the City's requirements and speaking with the various agencies involved.

Today I also spoke with **Tom from Dealer Services** regarding my dealership licensing requirements. He advised me that, provided the City allows me to use the property while it is being developed, I may operate from a **temporary office** during construction and continue completing RV sales from that location. He indicated that this temporary office may serve as my dealership's primary business location while the permanent office and site improvements are being constructed. This information is important because it provides a practical path for me to remain compliant with both Dealer Services requirements and the City's development process.

I am committed to moving forward with the required site plan and constructing a permanent office building on the property. This project represents a substantial investment, and I fully intend to complete the required improvements. However, these improvements cannot happen overnight. Allowing me to continue operating from a temporary office during construction would enable my business to remain operational while the property is brought into compliance in a logical and orderly manner.

I respectfully ask the Board of Adjustment to consider my circumstances and allow a phased approach to compliance that permits continued business operations during the development process. I believe this solution is reasonable, serves the intent of the City's ordinances, and allows me to make the necessary improvements without unnecessarily disrupting my business.

Thank you for your time and consideration. I appreciate the opportunity to present my case before the Board of Adjustment and look forward to working toward a successful resolution.

Sincerely,

Noah Hamre
NoDak Recreation



July 13, 2026

Noah Hamre
NoDak Recreation LLC
7520 Cortland Xing
Bismarck, ND 58501

Notice and Order

Dear Mr. Hamre,

This Notice and Order is in reference to your property located at 5215 East Main Avenue (Parcel # 1100-001-120). The site is within the city limits of Bismarck and zoned within the CG – Commercial zoning district. Storage and display of inventory, with no sales occurring on this property, is a prohibited use and this letter serves as official notice of the violation per Section 14-03-07 (13) (Use Groups)(Industrial Group A) of the City Code of Ordinance.

Should the sale of any recreational vehicles occur on this property, the use is classified as Retail Group B, which is an allowable use group for this zoning district. As a commercial use, this site is subject to the parking and landscaping requirements applicable to commercial use, regardless of the absence of a building permit or need for one per Section 14-03-10(5)f (Off-Street Parking and Loading)(Design Standards)(Surfacing) and Section 14-03-11 (2)b (Landscaping and Screening)(Applicability)(Installation of Parking Area) of the City Code of Ordinances. It is my understanding of the North Dakota Department of Transportation-Motor Vehicle Divisions-Dealer Services, per North Dakota Century Code 39-22-15, sales may not occur on this property at this time as a permanent enclosed building of at least two hundred fifty square feet is required.

All inventory, trailers, and signage must be removed from this property within 90 days, by **October 11, 2026**, for the property to be compliant with City of Bismarck ordinance. All site plan development requirements must be completed before any inventory may be returned to the property, as well as sales actively conducted on the property, to remain in compliance.

You do have the right to appeal to the Board of Adjustment according to procedures of Section 14-06-03 of the City Code of Ordinances. Your intent to appeal must be received, within writing, within 10 days of the date of this letter. Email is an approved means of written communication. A \$250 administrative fee is due at the notification of your intent to appeal. Your appeal will be heard at the next regularly scheduled Board of Adjustment meeting on August, 6, 2026, at 5:00 p.m. in the Tom Baker Meeting Room located at 221 N 5th Street, Bismarck, ND 58501.

Sincerely,



Annie Hojian
Code Enforcement Officer
City of Bismarck-Building Inspections
ahojian@bismarcknd.gov
(701) 355-1469

cc: Julie Mees, City Attorney

Brady Blaskowski, Building Inspections Director

Daniel Nairn, Planning Director

Jenny Wollmuth, Senior Planner

North Dakota Department of Transportation, Motor Vehicles Division, Dealer Services



June 19, 2026

Brady Blaskowski
Building Official, City of Bismarck
221 N 5th Street
Bismarck, ND 58501

RE: **ZONING ORDINANCE INTERPRETATION**
Sections 14-03-07(13)

Dear Building Official:

This letter is in response to your request for an administrative interpretation of the above-referenced sections of the Zoning ordinance in Title 14, specifically related to use of a lot for outdoor storage. The subject property is located at 5215 East Main Avenue (Parcel # 1100-001-120). This site is within the city limits of Bismarck and zoned within the CG – Commercial zoning district.

I understand the following to be true based on observations and discussion. Storage of vehicles, campers, and trailers is occurring on this lot. The owner claims that no sales are made from this lot and that the lot is used purely for storage of inventory that is sold at a different premise.

The site may not be used for outdoor storage. This use fits within the “Industrial Group A” use group, which requires MA – Industrial or MB – Industrial zoning. The Bismarck Planning and Zoning Commission was presented with a request to rezone this property to the MA – Industrial district on February 26, 2025, but recommended denial of the request and the denial was not appealed to the City Commission.

The current use, including all vehicles and items stored on the lot, should be removed in its entirety and replaced with a conforming use or left in a vacant state to bring the lot into conformance.

This interpretation is made to the ordinance as it exists on the date of this letter and may no longer be valid if the City ordinance or other state or federal law is changed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Nairn", is written over a faint, larger version of the same signature.

Daniel Nairn, AICP
Planning Director
City of Bismarck

City of Bismarck
221 N 5th Street
Bismarck, ND 58501

701-355-1854
dnairn@bismarcknd.gov



Case Inspections City of Bismarck

Case Number: CEZO2025-0003

Description:

Opened: 7/14/2025

Closed: 7/25/2025

Site Address: 5215 E MAIN AVE

Last Action: 8/4/2026

Follow up: 8/4/2026

City, State Zip Code: BISMARCK, ND 58501

Status: NOTICE AND ORDER

Applicant: <NONE>

Parent Project:

Owner: NODAK RECREATION LLC

Contractor: <NONE>

Details:

Case has been deferred to the office.

Brady will be in contact with property owner.

LIST OF INSPECTIONS

SEQ ID	SCHEDULED DATE	COMPLETED DATE	TYPE	INSPECTOR	RESULT	REMARKS
	7/14/2025	7/14/2025	BLD SITE INSPECTION	Brad Haider	NOT IN COMPLIANCE	PLZ TT BRADY PRIOR TO PROP OWNER
Notes: Visited location and took pictures. It appears there are campers and boats being parked in the lot. Contact will be made with the office to review next steps.						
	4/8/2026 14:30	4/8/2026 14:45	BLD SITE INSPECTION	Annie Hojian	NOT IN COMPLIANCE	
Notes:						
	4/16/2026	4/16/2026	BLD SITE INSPECTION	Annie Hojian	NOT IN COMPLIANCE	
Notes:						
	6/25/2026 08:45	6/25/2026 09:00	BLD SITE INSPECTION	Annie Hojian	NOT IN COMPLIANCE	PHOTOS/INVENTORY
Notes:						
	7/17/2026	7/20/2026	BLD SITE INSPECTION	Annie Hojian	NOT IN COMPLIANCE	ADDED ITEMS TO LOT
Notes:						
	8/4/2026	8/4/2026	BLD SITE INSPECTION	Annie Hojian	NOT IN COMPLIANCE	PHOTOS/INVENTORY
Notes:						



CEZO2025-0003

5215 E MAIN AVE

CHRONOLOGY OF CASE WORK

Annie Hojian

Phone
Call

CALLER WISHES TO REMAIN ANONYMOUS. CALLED TO STATE PROPERTY OWNER HAS RECENTLY HAULED IN CRUSHED CONCRETE AND IS PARKING CAMPERS AT THE LOCATION FOR LONG TERM STORAGE. A ZONING REQUEST (ZC204-021) TO CHANGE THE ZONING FROM CG TO MA WAS DENIED ON 02/28/2025. A FUTURE LAND USE PLAN WAS ALSO DENIED REGARDING THIS ISSUE ON THE SAME DATE. (FLUP2024-005).

7/14/2025 9:32:36 AM

BLD SITE INSPECTION

InspectorBrad Haider

Scheduled7/14/2025 (hh:mm)15 mins

ResultNOT IN
COMPLIANCE

RemarksPLZ TT BRADY
PRIOR TO PROP OWNER

Completed7/14/2025 (hh:mm)

Visited location and took pictures. It appears there are campers and boats being parked in the lot. Contact will be made with the office to review next steps. Brad Haider 7/14/2025 1:56:40 PM

BLD SITE INSPECTION

InspectorAnnie Hojian

Scheduled4/8/2026 14:3015 mins

ResultNOT IN
COMPLIANCE

RemarksPHOTOS

Completed4/8/2026 14:45

Annie Hojian

Phone
Call

PHONE CONVERSATION WITH [REDACTED] HOMEOWNER [REDACTED] OF THIS PROPERTY. [REDACTED] STATED HE HAS INSTALLED ADDITIONAL SECURITY CAMERAS, HAS

NOTICED TRACKS/FOOTPRINTS IN THE SNOW ON HIS PROPERTY, AND HAS CONTACTED AN ATTORNEY REGARDING LIABILITY FOR HIS PROPERTY AND WAS INFORMED HE'D NEED TO POST "NO TRESPASSING" SIGNS AND DOES NOT WANT TO. [REDACTED] IS FRUSTRATED THAT UPON REPORTING THIS IN JULY OF 2025, IT APPEARS NOTHING HAS BEEN DONE BY THE CITY OF BISMARCK REGARDING THE ZONING VIOLATION. THE PROPERTY IS ZONED AS CG (ARE REQUEST FOR RE-ZONING WAS DENIED), THERE IS NO BUILDING ON THE PROPERTY, NOR HAS ANY PERMIT BEEN APPLIED FOR TO CONSTRUCT ONE AND AS SUCH, THERE ARE NO SITE PLAN REQUIREMENTS THAT WOULD TRIGGER A REQUIRED BERM, LANDSCAPING BUFFER OR A PAVED LOT. IT APPEARS THIS SITE IS BEING USED FOR STORAGE (NOT AN ALLOWABLE USE) AS NODAK RECREATION HAS A LOCATION AT 1418 INDUSTRIAL DR. PER THEIR WEBSITE (NODAKREC.COM) THEIR INVENTORY IS NOT LISTED ONLINE AND IT GIVES THE APPEARANCE ONLINE SALES WITH PICKUP AT THIS LOCATION ARE NOT BEING CONDUCTED. PER [REDACTED] ANOTHER SIGN ADVERTISING FOR THE BUSINESS WAS INSTALLED YESTERDAY OR TODAY AND THEY ARE UP TO (3) ADVERTISING SIGNS. THE DIRT THAT WAS HAULED IN IS WASHING AWAY DURING RAINSTORMS/SNOW AND THE FENCE THAT WAS INSTALLED TO HOLD BACK THE DIRT IN THE PARKING AREA IS FALLING DOWN. I DID LISTEN TO [REDACTED] CONCERNS AND INFORMED HIM WE ARE AWARE OF THIS LOCATION, AS WELL AS OTHERS IN THE AREA, THAT ARE NON-CONFORMING TO ZONING ORDINANCES, AND THE CITY DOES INTEND TO MOVE FORWARD IN GAINING COMPLIANCE. I POLITELY ASKED THAT HE ALLOW ME TO SPEAK WITH BRADY AS MOVING FORWARD IF THE CITY FOCUSES ON ONE PROPERTY, WE SHOULD BE FOCUSING ON ALL PROPERTIES IN THE AREA TO BE FAIR AND CONSISTENT. I INFORMED [REDACTED] I WOULD BE FOLLOWING UP WITH BRADY NEXT WEEK AND THAT I WOULD KEEP [REDACTED] INFORMED OF PROGRESSION WITH THIS PROPERTY. [REDACTED] WAS VERY POLITE AND PROFESSIONAL DURING OUR CONVERSATION AND APPRECIATED THE OPPORTUNITY TO VOICE HIS FRUSTRATIONS/CONCERNS. HE DID STATE HE IS NOT INTENDING TO INFRINGE UPON ANYBODY'S PROPERTY RIGHTS, HE JUST WANTS TO ENSURE HIS PROPERTY IS SAFE AND SECURE FOR HIS FAMILY AND THAT ANY ZONING/BUILDING ORDINANCES ARE BEING FOLLOWED.

4/8/2026 12:16:02 PM

Annie Hojian

Note

CURRENT PHOTOS OF PROPERTY AND INVENTORY COMPLETED. NEW SIGN HAS BEEN ADDED IN ADDITION TO THE (2) ENCLOSED TRAILERS WITH ADVERTISTING PARKED ON THE PROPERTY. VISIT APPROXIMATELY 10 MINUTES FROM 1435-1445 AND AT NO TIME WAS ANY OTHER VEHICLE OR PERSON ON THE PROPERTY.

CURRENTLY: (8) 5TH WHEEL CAMPERS, (3) BUMPER PULL CAMPER, (1) CAMPER VAN, (1) VAN, (2) EMPTY PONTOON TRAILERS, (1) JET SKI ON TRAILER, (3) SKI BOATS ON TRAILERS, (2) PONTOONS, (1) DUMP TRAILER, (1) ENCLOSED TRAILER, (2) ENCLOSED TRAILERS W/NODAK REC ADVERTISING.

4/8/2026 5:07:02 PM

BLD SITE INSPECTION

InspectorAnnie Hojian

Scheduled4/16/2026 (hh:mm)15 mins

ResultNOT IN COMPLIANCE

RemarksPHOTOS

Completed4/16/2026 (hh:mm)

Annie Hojian

Phone
Call

PHONE CALL TO NOAH ON 04/17/2026. NOAH STATED 2X NO SALES ARE CONDUCTED ON THIS PROPERTY. SEE OFFICER'S NARRATIVE. PER FACEBOOK SEARCH, NO POSTS SINCE AUGUST OF 2025. PER BISMAN ONLINE SEARCH SOME OF THE INVENTORY LOCATED AT THIS LOCATION IS LISTED, BUT MOST IS NOT. FACEBOOK AND BISMAN SEARCH BOTH INDICATE THIS LOCATION IS HIS ADDRESS.

4/20/2026 11:58:46 AM

Annie Hojian

Phone
Call

PHONE CALL WITH COMPLAINANT, [REDACTED] TODAY. UPDATED [REDACTED] ON STATUS OF HIS COMPLAINT. PLANNING DIRECTOR DANIEL NAIRN IS WORKING TO DRAFT A ZONING DETERMINATION LETTER, CITE THE VIOLATION FOR THIS PROPERTY, AND PROVIDE IT TO THE PROPERTY OWNER. UPON THAT LETTER BEING ISSUED, BUILDING INSPECTIONS WILL ALSO ISSUE A NOTICE AND ORDER. THE PROPERTY OWNER CAN CHOOSE TO APPEAL THE DECISION TO THE BOARD OF ADJUSTMENT AND REALISTICALLY THAT MEETING COULD BE EITHER JULY OR AUGUST 2026. IF THE BOA DENIES HIS APPEAL, THE PROPERTY OWNER CAN THEN APPEAL TO THE CITY COMMISSION AND EVEN IF HE WENT TO BOA MEETING IN AUGUST, HE'D BE ABLE TO APPEAL TO THE CITY COMMISSION IN AUGUST ALSO. ULTIMATELY SOME RESOLUTION SHOULD BE FOUND BEFORE THE END OF AUGUST AND AT THAT TIME OUR DEPARTMENT WOULD BE WORKING TO ENSURE REMOVAL OF THE ITEMS STORED PRIOR TO A WINTER SEASON IN ND. IF THE PROPERTY OWNER DID APPEAL THE DECISION, I'D BE WORKING WITH THE PROPERTY OWNER IN THE MEANTIME TO DEVELOP A CONTINGENCY PLAN AS IF THE NEED ARISES FOR HIM TO REMOVE THE PROPERTY AFTER EXHAUSTING ALL APPEALS, IT HAS TO GO SOMEWHERE IN A TIMELY MANNER. HEADING INTO FALL, OTHER INDIVIDUALS WILL ALSO BE LOOKING FOR STORAGE OPPORTUNITIES FOR THEIR OWN BOATS/CAMPERS. THE PROPERTY OWNER MAY ALSO DECIDE TO CONSTRUCT A PRIMARY STRUCTURE ON THE PROPERTY, WHICH WOULD THEN ENACT SITE PLAN REQUIREMENTS AND PROPERTY DEVELOPMENT INCLUDING REQUIRED LANDSCAPE BUFFERING AND SCREENING OF ITEMS. THE PROPERTY IS ZONED CG AND A 2ND ZONING CHANGE REQUEST WOULD NOT BE SUPPORTED. THE ONLY WAY THAT THE PROPERTY OWNER CAN STORE ITEMS ON THIS PROPERTY IS TO EITHER BE GRANTED HIS APPEAL (IF HE MAKES ONE) OR DEVELOP THE SITE AND BUILD A PRIMARY STRUCTURE.

5/15/2026 3:13:40 PM

Annie Hojian

Note

AS MONDAY, JUNE 15, 2026, AT APPROXIMATELY 0715 HOURS TO TODAY, JUNE 18, 2026, AT APPROXIMATELY 0715 HOURS, (2) VEHICLES HAVE BEEN PARKED ON THE SE CORNER OF THE LOT. A WHITE FULL SIZE PICKUP TRUCK AND A SILVER SUV. PER A PREVIOUS CONVERSATION WITH HAMRE, ADVERTISING OF ITEMS FOR SALE IS DONE THROUGH FACEBOOK AND BISMAN ONLINE. AS OF

TODAY, JUNE 18, 2026, THE MOST RECENT POST ON THE NoDak Recreation FB PAGE IS FROM AUGUST 5, 2025. A SEARCH TODAY OF BISMANONLINE SHOWS A TOTAL OF (5) ADS, (4) OF WHICH ADVERTISING THE SALE OF ITEMS. THE (2) VEHICLES PARKED ARE NOT LISTED FOR SALE, AS ARE SEVERAL OTHER ITEMS (THAT ARE CURRENTLY ON THE PROPERTY (CAMPER, TRANSPORT VAN OR CAMPER VAN, VEHICLES). ONLY SOME OF THE ITEMS REPORTEDLY "FOR SALE" HAVE ANY STICKER PRICES ON THEM.

6/18/2026 8:21:51 AM

**BLD SITE
INSPECTION**

InspectorAnnie Hojian

Scheduled6/25/2026 08:4515 mins

ResultNOT IN
COMPLIANCE

RemarksPHOTOS/INVENTORY

Completed6/25/2026 09:00

Annie Hojian

Note

PHOTOS AND INVENTORY TAKEN AT APPROXIMATELY 0845 HOURS 06/25/2026. REPORT CREATED AND ATTACHED.

6/25/2026 10:16:37 AM

Annie Hojian

Phone
Call

PHONE CALL WITH NOAH HAMRE [REDACTED] AT APPROXIMATELY 1436 HOURS. NOAH WAS DRIVING AND I DID LET HIM KNOW I WOULD SEND AN EMAIL RECAPPING OUR CONVERSATION AND AVAILABLE REMEDIES AND ASSOCIATED INFORMATION. I DID INFORM NOAH SINCE WE LAST SPOKE, DANIEL NAIRN DID PROVIDE AN ADMINISTRATIVE INTERPRETATION OF ZONING ORDINANCE AND DETERMINED THE CURRENT USE, BASED ON NOAH'S PREVIOUS USE EXPLANATION, IS MA, AND NOT AN ALLOWABLE USE IN CG. IT IS A ZONING VIOLATION, BUT THERE ARE SOME POTENTIAL REMEDIES AVAILABLE TO OBTAIN COMPLIANCE. NOAH CAN APPEAL THE INTERPRETATION. IF HE DOES THINK HE'D LIKE TO PURSUE THIS COURSE OF ACTION, I DO NEED TO ISSUE AN OFFICIAL NOTICE AND ORDER OF THE VIOLATION. HE CAN COMPLETE SALES ON THIS PROPERTY, WHICH WOULD MAKE IT A CONFORMING USE, BUT WOULD REQUIRE SITE PLAN, INCLUDING PAVING AND LANDSCAPING BUFFER. HE DID MENTION POSSIBLY BUILDING SHOP IN THE FUTURE. HE COULD APPLY FOR A ZONING CHANGE. I DID LET NOAH KNOW THAT HAD BEEN REQUESTED PREVIOUSLY AND DENIED. THE LAST OPTION WOULD BE TO REMOVE ALL ITEMS AND LEAVE IT VACANT, WHICH IS NOT HELPFUL FOR HIS BUSINESS. EMAIL WAS DRAFTED AND SENT TO NOAH WITH ALL OPTIONS DISCUSSED AND ADDITIONAL INFORMATION. I TOLD NOAH I WOULD CHECK IN WITH HIM NEXT WEEK SO HE HAD TIME TO REVIEW AND THINK ABOUT EVERYTHING. I DID REITERATE IF HE THINKS HE WANTS TO APPEAL THE ADMINISTRATIVE INTERPRETATION, I HAVE TO ISSUE AN OFFICIAL NOTICE AND HE HAS 10 DAYS TO NOTIFY ME, IN WRITING, HE WANTS TO APPEAL IT. I ALSO LET HIM KNOW IT'S A \$250 FEE AND UPCOMING BOA DATES ARE AUGUST 6 AND SEPT 3. NOAH WAS POLITE AND CORDIAL DURING OUR CONVERSATION. HE DID EXPRESS HE WAS VERY DISAPPOINTED AS HE THOUGHT HE HAD TAKEN CARE OF EVERYTHING HE NEEDED TO AND ASKED THE APPROPRIATE QUESTIONS PRIOR TO PURCHASING THIS PROPERTY TO USE AS HE IS NOW.

Annie Hojian

In
Person
Meeting

MET WITH NOAH HAMRE IN MY OFFICE AT 0900 HOURS AT HIS REQUEST TO DISCUSS SEVERAL QUESTIONS HE HAD. HAMRE DID HAVE QUESTIONS REGARDING THE SUBMISSION OF SITE PLANS AND REQUIRED DOCUMENTATION. HE STATED HE HAD A PRE APP SCHEDULED FOR WED AT 1000 HRS AND ASKED IF I COULD ATTEND. I AGREED. I INFORMED HAMRE THAT DURING THE PRE APP HE WOULD HAVE THE OPPORTUNITY TO HAVE ALL OF HIS QUESTIONS REGARDING SITE DEVELOPMENT ANSWERED, INCLUDING SFHA REQUIREMENTS. I INFORMED HIM I WOULD CREATE AN AEC SO HE COULD APPLY FOR REQUIRED SM-04 AND THAT HE WOULD NEED SOME SORT OF SITE PLAN. HE STATED HE DOES HAVE A FRIEND WHO HAS A COMMERCIAL BUILDING HE LIKES AND ASKED IF HE COULD BUILD THAT BUILDING. I EXPLAINED THERE SHOULD BE NO REASON WHY NOT, SINCE WE'VE PERMITTED SEVERAL RESIDENCES WITH COOKIE CUTTER FLOORPLANS, HOWEVER I WOULD DEFER TO KELLY UNGER, COMMERCIAL PLANS EXAMINER, FOR AN ANSWER. IF HE HAS BUILDING PLANS, PLEASE HAVE KELLY REVIEW THEM OR BRING THEM IN DURING PRE APP. IN PREVIOUS CONVERSATIONS HAMRE INDICATED HE IS INTERESTED IN ACQUIRING THE PROPERTY TO THE EAST OF HIS AND I NOTIFIED HIM THERE IS A SIGNIFICANT AREA LOCATED WITHIN THE FLOODWAY AND WANTED HIM TO BE AWARE OF IT SO HE COULD MAKE AN INFORMED DECISION. HAMRE EXPLAINED THE PROPERTY IS OWNED BY A 501C3 AND CANNOT BE "SOLD" BUT COULD BE ACQUIRED THROUGH A "DONATION". HE WAS ATTEMPTING TO DETERMINE A FAIR VALUE AND I INFORMED HIM THAT THE CITY OF BISMARCK'S ASSESSING DEPARTMENT WOULD HAVE THE ASSESSED TAX VALUE AVAILABLE AND HE COULD CONTACT A REALTOR AND REQUEST A MARKET ANALYSIS. USING THE INFORMATION OBTAINED THROUGH BOTH SOURCES HE MAY BE ABLE TO DETERMINE A VALUE. HE ALSO INQUIRED ABOUT ZONING CHANGES AND I AGAIN INFORMED HIM HE CAN APPLY, BUT WANTED TO DRAW ATTENTION TO THE ZONING CHANGE THAT WAS REQUESTED AND DENIED IN FEB 2025. HE ASKED IF THE PROPERTY TO THE EAST WERE ACQUIRED, IF HE COULD REQUEST A ZONING CHANGE TO MA FOR THAT PROPERTY SO THAT IT COULD BE USED FOR INVENTORY DISPLAY AND STORAGE. I EXPLAINED HE CERTAINLY CAN, HOWEVER ZONING CHANGES ARE GRANTED GENERALLY TO MAKE AN AREA MORE COHESIVE. OTHER PROPERTIES BETWEEN 52ND ST AND 66TH ST ALONG E MAIN AVE ARE ALL ZONED CG. IT WOULD GO OUT OF THE NORM FOR WHAT HAS GENERALLY BEEN DONE TO CHANGE ONE PROPERTY IN THE MIDDLE OF A GROUP TO MA ZONING, ESPECIALLY WITH A RESIDENTIAL USE TO THE SOUTH ADJOINING THE PROPERTY. HAMRE ALSO ASKED ABOUT STORAGE OF CUSTOMERS CAMPERS DURING THE OFF SEASON. I EXPLAINED MA ZONING WOULD BE REQUIRED FOR THIS AND THE PROPERTY IS ZONED CG. ALSO DISCUSSED WAS HIS OPTION TO APPLY CURRENT TITLE 14 OR LDC EFF 10/01/26, WHICHEVER IS MORE ADVANTAGEOUS TO HIM, IF HE APPLIES FOR HIS SITE PLAN PRIOR TO LDC BEING EFFECTIVE. I DID EXPLAIN ONCE HE CHOOSES ONE, HE MUST FOLLOW ALL REQUIREMENTS OF IT AND CANNOT PICK AND CHOOSE BETWEEN THE 2 OF THEM. I ALSO INFORMED HAMRE OF THE BOA ROLE FOR HEARING VARIANCE REQUESTS AS WELL AS APPEALS AND AGAIN INFORMED HIM HE HAS THE RIGHT TO AN APPEAL AND WOULD NEED TO NOTIFY ME OR PLANNING WITHIN 10 DAYS OF NOTICE AND ORDER BEING ISSUED. THE NOTICE AND ORDER WILL NOT BE ISSUED UNTIL AFTER HIS UPCOMING MEETING ON WED AND

WE DISCUSS A FINAL CORRECTIVE DATE. AT THIS TIME THE VIOLATION IS THAT THE PROPERTY DOES NOT MEET DESIGN STANDARDS FOR SITE DEVELOPMENT NOW THAT HE HAS AMENDED HIS DEALER'S LICENSE TO HAVE THIS AS HIS PRIMARY LOCATION AND CONDUCT SALES ON THE PROPERTY. ITEMS WILL HAVE TO BE REMOVED TO OBTAIN COMPLIANCE AND DEVELOP THE SITE. HAMRE DID EXPRESS HE FELT THE CITY WAS NOT CONSISTENTLY APPLYING ORDINANCES TO PROPERTIES AND FEELS MANY ARE OPERATING OUT OF COMPLIANCE. I EXPLAINED TO HAMRE THERE MAY BE SEVERAL FACTORS ASSOCIATED AS EACH PROPERTY IS UNIQUE. IT COULD BE SITES WERE DEVELOPED PRIOR TO CURRENT STANDARDS, VARIANCES HAD BEEN REQUESTED/GRANTED, HE MAY NOT KNOW THE ZONING OF A LOCATION OR THAT A SITE IS STRAIGHT UP OPERATING IN VIOLATION AND IS NON-COMPLIANT. IF HE HAS ANY SPECIFIC SITES, I CAN RESEARCH IT. I FURTHER INFORMED HIM THAT IT IS NOT AN EXCUSE, BUT THE CITY IS NOT ACTIVELY LOOKING FOR VIOLATIONS AND AS OF NOW, I WILL INVESTIGATE ANY COMPLAINTS I RECEIVE. HAMRE ALSO EXPRESSED HE FELT THE STATE AND CITY ARE NOT WORKING TOGETHER. I EXPLAINED THAT IS ENTIRELY POSSIBLE AND THAT I CAN CERTAINLY REACH OUT TO NDDOT TO SEE HOW THAT CAN IMPROVE IN THE FUTURE. HE ATTEMPTED TO EXPLAIN THAT FOR HIS DEALER'S LICENSE HE HAS TO HAVE INVENTORY ON THE LOT AND IF HE REMOVES ALL OF IT, HE'S OUT OF COMPLIANCE WITH NDDOT. I DID ASK HAMRE FOR A GENERAL IDEA OF WHAT HIS INVENTORY IS HOLDING AT, KNOWING IT CAN FLUCTUATE GREATLY DUE TO MANY FACTORS. HAMRE STATED 10-14 UNITS AT ANY TIME IS A REALISTIC. HE DID STATE IF A CUSTOMER HAD PURCHASED A UNIT BUT WAS MAKING PAYMENTS, HE KEEPS THE UNIT UNTIL THE LAST PAYMENT IS MADE, WHICH IS REASONABLE. HAMRE WAS RESPECTFUL AND PROFESSIONAL DURING OUR MEETING, WHICH LASTED APPROXIMATELY 1 HOUR. I DID FOLLOW UP WITH AN EMAIL SUMMARY OF ALL ITEMS DISCUSSED DURING OUR MEETING.

7/15/2026 2:45:25 PM

Annie Hojian

Phone
Call

ON 7/13/26 I CONTACTED NDDOT DEALER SERVICES AND SPOKE WITH THOMAS. HE EXPLAINED THEIR OFFICE HANDLES 1500+ DEALERS LICENSES ACROSS THE STATE WITH HE AND ANOTHER INVESTIGATOR ALONG WITH THEIR SUPERVISOR. I EXPLAINED THE REASON FOR MY CALL AND THAT I WANTED TO OBTAIN SOME CLARIFICATION/EDUCATION REGARDING PRIMARY AND SECONDARY LOTS, SALES AND INVENTORY AS I WAS CURRENTLY WORKING THROUGH AN ISSUE IN WHICH A PROPERTY WAS ZONED CG, BUT WAS CURRENTLY BEING USED FOR STORAGE WHICH IS A VIOLATION IN THE CITY. THOMAS ASKED WHICH DEALER IT WAS IN REFERENCE TO AND UPON HEARING NODAK RECREATION HE WAS FAMILIAR WITH THIS DEALER. THOMAS STATED DEALERS ARE NOTIFIED TO CHECK WITH LOCAL AUTHORITY TO ENSURE THE PROPERTY THEY ARE OPERATING ON MEETS ALL REQUIREMENTS. PER NDCC 39-22, A PRIMARY SALES LOT MUST HAVE SALES OCCURRING ON THE PREMISES, ALL RECORDS AND INVENTORY INFO MUST BE KEPT ON PREMISE AND PRODUCABLE AT ANY TIME OF THE REQUEST OF NDDOT, AND A PERMANENT BUILDING AT LEAST 250 SF MUST EXIST ON THE PROPERTY. A SECONDARY LOT IS FOR THE STORAGE/DISPLAY OF INVENTORY ONLY AND NO SALES MAY OCCUR ON THE LOT. A SECONDARY LOT MUST HAVE A SIGN OF A CERTAIN SIZE AND CONTAIN REQUIRED INFORMATION. THOMAS

STATED THIS DEALER HAD COME TO THEIR ATTENTION AFTER A REPORT THEY RECEIVED HE WAS OPERATING A SECONDARY LOT AND DID NOT HAVE A SIGN. THE SIGN WAS PLACED THERE, WHICH IS HOW THAT CAME TO BE. I INFORMED THOMAS THE SIGN NEEDS A PERMIT FROM US AND IT HAS NOT BEEN APPLIED FOR OR ISSUED. THOMAS FURTHER SHARED THIS DEALER STARTED OUT OPERATING IN A MOBILE HOME, WHICH NOT ALLOWED PER NDDOT, WHICH PROMPTED HIS MOVE TO THE LOCATION ON INDUSTRIAL DR. THEY DID VISIT THAT LOCATION AT SOME POINT AND THERE WAS A DISCREPENCY BETWEEN INVENTORY AND PAPERWORK. NODAK REC THEN MOVED TO THE LOCATION ON BURLINGTON DR AND THE PROPERTY AT 5215 E MAIN AVE WAS LISTED AS A SECONDARY LOT FOLLOWING THE REPORT THEY RECEIVED THAT HE AGAIN WAS NOT COMPLYING WITH NDDOT. THOMAS, AS WELL AS I DID LOOK AT THE WEBSITE FOR NODAK REC AND ON IT, THE PRIMARY LOCATION IS LISTED AS 5215 E MAIN AVE. PER THOMAS THIS IS NOT ALLOWED PER NDDOT. IT APPEARS HAMRE CHANGED HIS "PRIMARY" LOCATION TO SATISFY THE CITY, WHICH IS IN VIOLATION OF NDDOT. TO BE COMPLIANT WITH NDDOT, HE IS IN VIOLATION WITH THE CITY. THE ONLY SOLUTION FOR HAMRE TO BE COMPLIANT WITH BOTH AGENCIES IS TO FULLY DEVELOP THE SITE AT 5215 E MAIN, INCLUDING THE CONSTRUCTION OF A BUILDING TO SATISFY NDDOT REQUIREMENTS. I THANKED THOMAS FOR THE INFORMATION AND TOLD HIM I'D BE SPEAKING TO HAMRE REGARDING THIS INFORMATION AND THOMAS STATED HE'D ALSO BE SPEAKING WITH HIM.

7/15/2026 3:00:27 PM

BLD SITE INSPECTION	InspectorAnnie Hojian	Scheduled7/17/2026 (hh:mm)15 mins	ResultNOT IN COMPLIANCE
	RemarksADDED ITEMS TO LOT	Completed7/20/2026 (hh:mm)	
BLD SITE INSPECTION	InspectorAnnie Hojian	Scheduled8/4/2026 (hh:mm)15 mins	ResultNOT IN COMPLIANCE
	RemarksPHOTOS/INVENTORY	Completed8/4/2026 (hh:mm)	

Annie Hojian

Note

BRIEF SITE VISIT FOR UPDATED PHOTOS. ADDITIONAL CAMPERS HAVE BEEN ADDED TO THIS LOCATION. IT APPEARS (1) CAMPER HAS BEEN REMOVED FROM THE SOUTHWEST SIDE OF THE PROPERTY.

ITEMS AS OF 08/04/26 AT APPROXIMATELY 1145 HOURS:

EAST: VAN AND ENCLOSED TRAILER

SOUTH: (EAST)-3 CAMPERS, (WEST)-6 CAMPERS AND NODAK REC SIGN

NORTH: RV AND ENCLOSED NODAK REC TRAILER

PHOTOS AND SUPPLEMENT ATTACHED

8/4/2026 1:53:50 PM

**BLD SITE
INSPECTION**

InspectorAnnie Hojian

Scheduled8/21/2026 12:3015 mins

ResultNOT IN
COMPLIANCE

RemarksPHOTOS/INVENTORY

Completed8/21/2026 12:45

Annie Hojian

Note

PLACED SIGN ON PROPERTY IN SW CORNER AT ENTRANCE/EXIT ADVERTISING APPEAL TO BOA ON 09/03/26 @ 1700 HRS IN REFERENCE TO NOTICE AND ORDER ISSUED. APPL2026-001. PHOTOS OF PROPERTY. CURRENTLY 3 ENCLOSED TRAILERS (2 W/NODAK REC ADVERTISING), ONE VAN, 3 BUMPER PULL CAMPERS, (7) 5TH WHEEL CAMPERS, 1 RV AS WELL AS UNPERMITTED SIGN. SEVERAL AREAS OF LOT HAD RUTS, TIRE DEPRESSIONS OR WASHOUTS. SILT FENCE PREVIOUSLY INSTALLED AND IN PLACE PRIOR TO MY INVESTIGATION APPEAR TO BE WASHED OUT. NOTE: RESPONDED TO PRIMARY LOCATION OF 1429 BURLINGTON DR #1. UNPERMITTED ADVERTISING SIGN SIMILAR TO ONE AT 5215 E MAIN AVE IN PLACE PARALLEL TO BURLINGTON DR. SIGN ON DOOR STATES HOURS AS: "MONDAY-FRIDAY BY APPOINTMENT ONLY". NO CAMPERS OR RVS APPEARED TO BE PARKED IN THE LOT BETWEEN THE BUILDING AND BURLINGTON DR. OR IN FRONT OF THE BUILDING. GOOGLE SEARCH OF NODAK RECREATION SHOWS ADDRESS AS 5215 E MAIN AVE.

8/24/2026 11:41:49 AM

Annie Hojian

Phone
Call

CALLED [REDACTED] ON 08/21/26 AT APPROXIMATELY 1215 HOURS. LEFT VOICEMAIL INFORMING HIM OF BOA MEETING ON 09/03/26 @ 1700 HRS REGARDING APPEAL TO NOTICE AND ORDER ISSUED.

8/24/2026 12:27:05 PM

Annie Hojian

Phone
Call

RECEIVED RETURN PHONE CALL FROM [REDACTED] AT APPROXIMATELY 1405 HOURS ON 08/24/26. [REDACTED] DID SEE THE SIGN AND STATED SEVERAL PEOPLE HAVE BEEN STOPPING AND TAKING PHOTOS OF IT. [REDACTED] STATED HAMRE DID SPEAK WITH THEM REGARDING HIS PROPERTY AND FUTURE DESIRED DEVELOPMENT PLANS. HAMRE MENTIONED HE WANTS TO INSTALL A FENCE ON THE PROPERTY LINE. [REDACTED] FEELS FILLING IN THIS AREA WOULD NOT BE OPTIMAL FOR WATERSHED, HOWEVER IF THE CITY APPROVES IT, IT IS WHAT IT IS. I DID EXPLAIN TO [REDACTED] THE BOA MEETING ON 09/03 IS TO ADDRESS HAMRE'S APPEAL OF THE NOTICE AND ORDER ISSUED ONLY. THE BOA CAN EITHER UPHOLD THE ZONING INTERPRETATION AND DENY THE APPEAL, OR THEY CAN FIND IN FAVOR OF HAMRE. THE NOTICE AND ORDER STATES ALL ITEMS ARE TO BE REMOVED BY 10/11/26 TO BE COMPLIANT. CURRENTLY THE SITE IS BEING USED TO STORE ITEMS, BUT IS ZONED CG-COMMERCIAL. HAMRE WOULD STILL NEED TO SUBMIT A SITE PLAN APPLICATION FOR DEVELOPMENT AND REVIEWS WOULD NEED TO BE CONDUCTED REGARDING THE SPECIAL FLOOD HAZARD AREA (SFHA) AND STORMWATER MANAGEMENT. AS OF TODAY'S DATE, NO SITE PLAN APPLICATION HAS BEEN RECEIVED. IT IS NOT MY AREA OF EXPERTISE, BUT IT MAY BE THAT WHAT

HAMRE DESIRES IS NOT WHAT WILL BE APPROVED DUE TO THE NEED FOR STORMWATER MANAGEMENT REQUIREMENTS AND THE SFHA. [REDACTED] ALSO MENTIONED HAMRE DISCLOSED HE RECENTLY PURCHASED AN ADDITIONAL 2 ACRES AND DUE TO THIS, THE NEIGHBOR TO THE EAST OF [REDACTED] MAY HAVE SOME THOUGHTS/CONCERNS AS THEIR PROPERTY ELEVATION IS LOWER THAN THE PROPERTY TO THE NORTH OF THEM. UPON DEVELOPMENT AND FILL BEING PLACED ON HAMRE'S NEWLY ACQUIRED PROPERTY, IT MAY INCREASE THE ELEVATION TO THE POINT WHERE THE PROPERTY OWNER SOUTH OF IT MAY ALSO HAVE TO BRING IN FILL TO AVOID ANY POTENTIAL WATER ISSUES. [REDACTED] STATED HE FEELS BETTER KNOWING HAMRE'S TENTATIVE PLANS FOR FUTURE DEVELOPMENT AND WOULD APPRECIATE SITE IMPROVEMENTS. HE ALSO STATED THAT THEY MAY ATTEND THE MEETING AND I REITERATED TO HIM THAT HE CAN ALSO ATTEND VIA ZOOM, SUBMIT ANY PUBLIC COMMENTS, AND IF HE HAD ANY QUESTIONS HE CAN REACH OUT TO ME OR JENNY WOLLMUTH. THE AGENDA AND PACKET WILL BE PUBLISHED AND AVAILABLE ON FRIDAY, 08/28/26. [REDACTED] THANKED ME FOR THE UPDATE AND WE ENDED THE CALL.

8/24/2026 2:41:32 PM

END

From: Annie Hojian
Sent: Monday, July 14, 2025 12:46 PM
To: Brad Haider <bhaider@bismarcknd.gov>
Cc: Brady Blaskowski <bblaskowski@bismarcknd.gov>
Subject: CEZO2025-0003 5215 E MAIN AVE

Brad,

I finally have this code case entered for you. Brady asks that you take photos and please touch base with him before you reach out to the property owner. The property owner to the south, who voiced concerns during Planning/Zoning meeting, called on 07/10/2025 to report the property owner has recently hauled in a lot of crushed concrete to this lot. He wanted to remain anonymous as he's concerned about any negative repercussions towards him, but I did put his contact info in if you'd like to speak with him to obtain any further information. He is ok with any of our officials/inspectors speaking with him. Per caller, the property owner had a few campers sitting there and concerned he is using this property for long term storage and renting it out. He also stated someone may be staying/living in one of the campers but wasn't sure.

I drive by this site at least 2x a day. As of this morning, 07/14/2025, at approximately 0710 hours, there were 6 campers parked there and 2 black enclosed trailers on the NW and NE corner of the lot with "Nodak Recreation" on them.

FYI, the property owner did apply for a zoning change from CG to MA and it was denied on 02/28/2025. His Future Land Use Plan was also denied on the same date. Applicant info is entered, Thomas Vetter and I did put in Chron notes.

Please let me know if any further information is needed or if I can help with anything.
Thanks!

Annie Hojian
Office Assistant II

City of Bismarck
Community Development
221 North Fifth Street
PO Box 5503
Bismarck ND, 58506-5503

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**BLD SITE
INSPECTION**

InspectorBrad Haider

Scheduled7/14/2025 (hh:mm)15 mins

ResultNOT IN
COMPLIANCE

RemarksPLZ TT
BRADY PRIOR TO
PROP OWNER

Completed7/14/2025 (hh:mm)

Brad Haider

BLD SITE
INSPECTION

Visited location and took pictures. It appears there are campers and boats being parked in the lot. Contact will be made with the office to review next steps.

7/14/2025 1:56:40 PM

From: Annie Hojian
Sent: Monday, August 24, 2026 12:25 PM
To: [REDACTED]
Subject: CEZO2025-0003 5215 E MAIN AVE

Good afternoon [REDACTED],

I just called [REDACTED] and left a voicemail to make sure you are both aware of NoDak Recreation's appeal of the Notice and Order that was issued concerning the property at 5215 E Main Ave. A Notice and Order was issued July 13, 2026, which states all items must be removed by October 11, 2026, to bring the property into compliance.

Postcards were mailed to adjacent property owners, and a sign advertising this appeal, was placed on the property on August 21, 2026. The appeal will be heard by the Board of Adjustment on September, 3, 2026, at 5:00 p.m. in the Tom Baker Meeting Room located at 221 N 5th St. This meeting is only to hear the appeal regarding the zoning determination made by the Planning Director and the board may choose to either uphold the zoning interpretation and deny the appeal or disagree with the zoning interpretation and approve the appeal. The meeting agenda and packet will be available online, and in print, on Friday, August 28, 2026. This is a public hearing and you and [REDACTED], as well as any other adjacent property owners are welcome to attend and/or submit any public comments. If you are unable to attend in person, this meeting will also be available via Zoom, and a link to the meeting will be provided as requested.

If you have any questions, please feel free to reach out to me, or Jenny Wollmuth, Senior Planner – Planning Department.

Annie Hojian
Code Enforcement Officer

City of Bismarck
Building Inspections
221 North Fifth Street
PO Box 5503
Bismarck ND, 58506-5503

Office Main Line: (701) 355-1465
Office Direct Line: (701) 355-1469
Fax: (701) 222-6450
Email: ahojian@bismarcknd.gov
Website: www.bismarcknd.gov/111/Building-Inspections

Facebook: facebook.com/bismarcknd.gov | **X:** x.com/BismarckNDGov | **Instagram:** instagram.com/bismarckndgov | **Threads:** threads.net/@bismarckndgov | **LinkedIn:** linkedin.com/company/CityOfBismarck | **YouTube:** youtube.com/bismarckndgov

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associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City of Bismarck does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail. All City of Bismarck communication including, but not limited to, email messages and attachments may be subject to North Dakota Open Records and Meetings law.

From: [REDACTED]
Sent: Monday, July 6, 2026 11:59 AM
To: Annie Hojian <ahojian@bismarcknd.gov>
Subject: RE: Update for Zoning Complaint 5215 E Main Ave

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Thank you for all the information! I very much appreciate you taking time out of your day to keep us informed.

Sent from my Galaxy

From: Annie Hojian <ahojian@bismarcknd.gov>
Date: 7/6/26 11:38 AM (GMT-06:00)
To: [REDACTED]
Subject: RE: Update for Zoning Complaint 5215 E Main Ave

[REDACTED]

I apologize for the delayed response. I again want to express how much I appreciate you and [REDACTED] being so very patient with this complaint and process as I know it has been a year since it was first reported. I can certainly understand that both of you must feel extremely frustrated and both of you have been nothing but polite and professional in any communications regarding this issue. I do have some updated information for you regarding the property at 5215 E Main Ave. An administrative interpretation regarding the zoning and use of the property has been completed and explained to the property owner. Currently he is reviewing his options. While I cannot with 100% certainty advise you of his choice at this time, I do believe he is weighing his options between appealing the interpretation to the Board of Adjustment or bringing the property into compliance with the submission of a site plan application and following through with all requirements of such. Once he makes his choice, I will absolutely reach out to you to let you and [REDACTED] know how this is proceeding and any scheduled hearings you may be interested in attending.

Should the property owner choose to appeal, there's the possibility it will be heard on the August 6th meeting. For this to happen, he would have to notify our office of his intent to appeal, in writing (email is fine) within 10 days of the official Notice and Order. All applications would need to be submitted by July 13th to appear on the agenda for the August 6th meeting. A lot of information was provided to Mr. Hamre, and he is currently reviewing the information before making the decision as to whether he would like to appeal or not. I am in contact with him and should he decide he wants to appeal, the Notice and

Order will be issued that day. The Notice and Order includes information as to what needs to be done and by what date. In this particular instance, I would include information regarding the appeal and take the meeting dates into consideration and specifically reference this in the Notice and Order. Due to the requirement allowing for 10 days to appeal, and applications due by July 13th to be heard on August's agenda, realistically it may be that an appeal may not be heard until September 3rd.

If Mr. Hamre decides to waive his right to an appeal and go through site plan review for the property, paving and landscaping would be requirements for the property regardless of whether a building is present or not. Mr. Hamre did indicate he is considering construction of a building in the future at this location. Approved site plans are valid for 2 years from the date of approval letter. This does not mean he would have 2 years to comply with requirements of the site plan in this instance, but it is very probable paving and landscaping may not occur until the spring to ensure any landscaping installed is viable. It is realistic that Mr. Hamre could pave the property, install required landscaping and operate his business at this site. He can apply for a building permit for construction of a new building at anytime during the 2 years his site plan is valid. Should a commercial building permit be applied for, setback requirements must be adhered to.

If Mr. Hamre does exercise his right to an appeal, and the Board of Adjustment upholds the administrative decision, Mr. Hamre would have the options of applying for site plan and complying with requirements at that time, applying for a zoning change, or removing all items and leaving the property in a vacant state or replacing the property with a conforming use. I did discuss with Mr. Hamre that while I cannot make a decision for him, a zoning change was previously requested and denied. The Land Development Code (LDC) was recently revised and will take effect 10/01/2026. While it was under revision, properties north and south of E Main Avenue were reviewed and some changes were made to make properties more conforming. This property, and those east of it on the south side of E Main Avenue, were determined to remain zoned as CG-commercial. I do not think a second zoning change request would be supported. A zoning change is a public hearing, and I did inform Mr. Hamre that the public can provide comments in support or denial of the requested change.

As soon as I have a decision from Mr. Hamre, I will let you and [REDACTED] know what to expect in the near future regarding this property and notify you of any meeting dates you may be interested in attending. If you have any questions, or need clarification with anything, please let me know.

Annie Hojian

Code Enforcement Officer

City of Bismarck

Building Inspections
221 North Fifth Street
PO Box 5503

Bismarck ND, 58506-5503

Office Main Line: (701) 355-1465

Office Direct Line: (701) 355-1469

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linkedin.com/company/CityOfBismarck | **YouTube:** youtube.com/bismarckndgov

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From: [REDACTED]
Sent: Sunday, June 21, 2026 1:07 PM
To: Annie Hojian <ahojian@bismarcknd.gov>
Subject: Re: Update for Zoning Complaint 5215 E Main Ave

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Ms. Hojian,
Thank you for your email! It definitely helped me understand how this process will all work. Can you tell me if there is an update? The Agenda for the July 2nd Board of Adjustment meeting has not been published yet, so I cannot tell if he has decided to appeal his Zoning Determination Letter, or if one has even been sent yet. This has definitely been taxing as that lot is extremely busy this summer with customers, especially on the weekends when we are working on our property. Thank you for all of your help so far; we greatly appreciate it!

From: Annie Hojian <ahojian@bismarcknd.gov>
Sent: Friday, May 15, 2026 5:29 PM
To: [REDACTED]
Subject: Update for Zoning Complaint 5215 E Main Ave

[REDACTED]

I want to apologize for not reaching out to you sooner, but I have had a few conversations with [REDACTED] regarding the property located at 5215 E Main Ave (Parcel ID:1100-001-120). [REDACTED] has been very polite and very patient since first reporting this on July 14, 2025. It is

greatly appreciated as I know he, and you, must both be very understandably frustrated by this point.

This is in no way excusing any action, or apparent lack thereof, by the City of Bismarck prior to now, however Building Inspections had been in the process of creating a Code Enforcement Officer position for scenarios such as these. I started in my new position as such on March 16, 2026. This complaint is one of the first cases we are able to work through with creating new processes and will serve as a model for future cases. As such, we want to ensure all things are properly documented and handled while being respectful of both property owners' rights and responsibilities.

Planning Director Daniel Nairn is currently in the process of drafting a "Zoning Determination Letter" declaring the current use of the property, CG-zoning, as a violation. A zoning change request was previously heard for this property by another applicant (previous owner) and the request was denied. The Planning Department would not support a second zoning change request for this property. The property will remain zoned as CG and as such, storage of items without a principal structure is not an allowable use.

There are three options the property owner has:

1) Once the "Zoning Determination Letter" is sent to the property owner, the property owner does have the opportunity to appeal this decision within 10 calendar days via a written appeal. He then has the opportunity to attend a Board of Adjustment meeting for his appeal. Board of Adjustment meetings are public meetings you may attend if you so choose and/or provide public comment. Upcoming dates for Board of Adjustment meetings are:

July 2nd, 2026 at 5:00 pm with applications due by 5:00 pm on June 8, 2026

August 8th, 2026 at 5:00 pm with applications due by 5:00 pm on July 13, 2026

If the Board of Adjustment denies his request, he can then appeal this denial, within 10 calendar days, to the Bismarck City Commission. City Commission meetings are also public meetings you may attend if you so choose and/or provide public comment. Upcoming Bismarck City Commission meetings in which the property owner would meet application deadlines, regardless if attending either the July or August Board of Adjustment meeting, are:

August 11, 2026 at 5:15 pm with applications due by 5:00 pm on July 17, 2026

August 25, 2026 at 5:15 pm with applications due by 5:00 pm on July 31, 2026

If the Bismarck City Commission denies his request, a timeline for removal of items will be established, with 30, 60 or 90 days being the most common.

*Please note, the Board of Adjustment or Bismarck City Commission may grant his appeal allowing the items to stay as they currently are.

2) He can decide to construct a primary structure on the property. This would require a Site Plan application, review and approval, including landscape buffer and/or screening requirements for storage of items. He would need the Site Plan to be approved and a building permit to be approved and follow through with all requirements.

3) Remove the items as requested and Building Inspections would seek a removal date and proceed with any necessary enforcement action. Extensions may be granted, but only with documented good cause due to factors outside the property owner's control (weather, death/injury, etc.).

Realistically throughout this process, the City of Bismarck would not actively seek removal of the items pending an outcome of whatever path the property owner wishes to take, however we would also not allow more items to be moved onto the property and would monitor this very closely. Any determinations would be reviewed with the City Attorney prior to any action taken by the City.

Upon Planning issuing the "Zoning Determination Letter", Building Inspections will issue a *Notice and Order*. This *Notice and Order* is an automatic 30-day requirement of resolution. A hearing date would be set in Municipal Court, with Planning's "Zoning Determination Letter" entered as evidence to the City of Bismarck's case. Realistically, this may be scheduled after any appeal meeting the property owner intends to attend. The Municipal Court Judge may also grant a continuance of the case pending the decision from any appeals that may have been applied for through the Board of Adjustment or Bismarck City Commission. If/when a judgement is entered, a timeline for removal of items is established. If this requirement is not met, Building Inspections can seek an abatement in which the items are removed, and abatement costs are assessed to the property. Court action is a last resort for the City of Bismarck and used in the event all available avenues to gain voluntarily compliance are exhausted.

Either the Board of Adjustment, or the City Commission, may grant an appeal if one is requested. Pursuant to Section 14-06-02 of the City Code of Ordinances, Board of Adjustment-Powers and Duties

1. Interpretation. On appeal from an order, requirement, determination or provision made by the Zoning Administrator or other administrative official, or by request from any official, agency or head of the city, the board of adjustment shall decide any question involving the interpretation of any provision of this article. The board of adjustment may, in conformity with this article, reverse, affirm, or modify wholly or in part, or render a decision upon any such appeal or request.

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. Title 14 & 14.1 274

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.

3. Conditional Variance. In granting any variance, the board of adjustment shall prescribe any conditions applying thereto that it may deem necessary or desirable to carry out the general purposes of the article or preserve the neighborhood or general welfare from injury.

With knowing a final determination will not happen until the end of August, should the property owner exhaust all appeals available, the City would be respectfully requesting items to be removed within 30 days. This would allow for one extension, if granted with good cause, putting this at the end of September, to ensure items are removed prior to any winter weather events North Dakota has historically had. It is not the City's intent to have these items remain through a winter season if it is determined they must be removed. During this process, I will be working with the property owner to ensure they are thinking about and actively working towards a contingency plan in the event any appeal is denied. There are several recreational vehicles and trailers that will need to be moved to another location, or sold, prior to the deadline. The current business' primary location does not have adequate space to store all of the current items and the closer it gets to fall, the more that the available storage spaces that do exist for recreational vehicles in our area will be claimed by other entities looking to store their own items for the winter season. The sooner a backup solution is found, the better the outcome will be.

I realize this is a lengthy email with a lot of information in it. If you have any questions, please feel free to reach out to me. I greatly appreciate your patience and the very professional, polite manner in which both you and [REDACTED] have conducted yourselves during this very lengthy process.

Annie Hojian
Code Enforcement Officer

City of Bismarck
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221 North Fifth Street
PO Box 5503
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From: Lauren Oster <laoster@bismarcknd.gov>
Sent: Thursday, April 16, 2026 2:20 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Cc: Brady Blaskowski <bblaskowski@bismarcknd.gov>; Annie Hojian <ahojian@bismarcknd.gov>
Subject: FW:

Greetings –

Please see the email below.

Best regards,
Lauren Oster
Planner

City of Bismarck
Planning Department
221 North Fifth St.
PO Box 5503
Bismarck, ND 58506-5503

Office Main Line: 701-355-1840
Office Direct Line: 701-355-1846
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From: [REDACTED]
Sent: Thursday, April 16, 2026 1:45 PM
To: Lauren Oster <laoster@bismarcknd.gov>
Subject:

You don't often get email from [REDACTED] [Learn why this is important](#)

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Good afternoon, Ms. Oster!
My name is [REDACTED] and I reside at [REDACTED] I just wanted to voice my concern about the lot located at 5215 EMain Ave (Parcel #1100-001-120).

The owners of the lot have been using the lot for RV sales / storage (they just put price tags on the RV inventory this week). Although with the current zoning they are allowed to have RV sales, if approved by the City, they have been operating without going through the proper channels. There have been numerous occasions that I have been working in my yard and people looking at the RVs are awkwardly close. I feel I should be able to enjoy my property without strangers so close.

I believe that the lot's owners do have property rights, but I do as well. A buffer yard should definitely be in place and the owners should have to go through the proper channels for the operation of a business on the lot. Thank you for reading my email and have a great day.

[REDACTED]

Sent from my Galaxy

From: -Adm-DOT MV Dealer Services <mvds@nd.gov>
Sent: Wednesday, July 15, 2026 10:53 AM
To: Annie Hojian <ahojian@bismarcknd.gov>
Cc: Schneider, Marc <schneidermarc@nd.gov>; Voegelé, Tracy <tvoegele@nd.gov>; Rubbelke, Juli A. <jrubbelke@nd.gov>
Subject: RE: Attn: Thomas (NoDak Recreation)

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Annie,

Thank you for your email and the attached document. We will be sending NoDak Recreation a letter stating that we require confirmation from the City of Bismarck verifying compliance with city ordinance for operating a secondary display lot at the specified location. This confirmation will be necessary before the location can be used as a secondary lot or, alternatively, as a primary sales location, provided all Established Place of Business requirements are met and permitted by the city.

I will keep your contact information on file as our point of contact for the City of Bismarck, and I look forward to working with you as we continue to approve dealerships in the Bismarck area.

Thomas
Dealer Services
Compliance/Investigations

701.328.1285 • mvds@nd.gov • 608 E. Boulevard Ave • Bismarck, ND 58505



From: Annie Hojian <ahojian@bismarcknd.gov>
Sent: Tuesday, July 14, 2026 3:09 PM
To: -Adm-DOT MV Dealer Services <mvds@nd.gov>
Subject: Attn: Thomas (NoDak Recreation)

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Thomas,

Thank you for speaking with me yesterday regarding dealer's licensing requirements and in particular, NoDak Recreation. Attached is a Notice and Order issued yesterday, July 13, 2026. Mr. Hamre has agreed to remove all items from the property with a final corrective

date of October 11, 2026. Mr. Hamre has been informed no items may be stored on the property due to this property being zoned CG – Commercial and storage (MA – Industrial) is not an allowable use. This would include all inventory, trailers (even if personally owned or for security reasons) and any signs. For any sign to exist on this property, the sign does require an approved permit and at this time, a permit would not be approved due to several factors. Items may not be returned to the property until such time site plan development has been completed to City of Bismarck ordinance requirements. For this property to be in compliance with its allowable zoning use (CG – Commercial), sales must occur on this property.

Please let me know how I can assist your agency best. Being the regulatory authority for 1500+ dealers statewide is no small task and I am more than happy to help in whatever way I can. My authority as a Code Enforcement Officer lies within the City of Bismarck and it's ETA (extra-territorial area) in Title 4 (Building) and Title 14 (Zoning) ordinances. Our departments can certainly direct site development building permit applicants to your agency to ensure they have received information on dealer's license requirements. Should it be necessary for your department, the Planning Department does process Zoning Verification requests. This is a letter that can be requested for any property within our jurisdiction and will list allowable uses for each zoning category. Any dealer license applicant may be directed to the Planning Department to obtain a letter verifying the property they wish to operate a primary or secondary lot is an allowable use group for that location. There is a \$100 fee for this letter.

Please let me know if you have any questions.

Annie Hojian

Code Enforcement Officer

City of Bismarck

Building Inspections

221 North Fifth Street

PO Box 5503

Bismarck ND, 58506-5503

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Office Direct Line: (701) 355-1469

Fax: (701) 222-6450

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From: Annie Hojian <ahojian@bismarcknd.gov>
Sent: Wednesday, July 22, 2026 10:11 AM
To: Nodak Rec [REDACTED]
Cc: Daniel Nairn <dnairn@bismarcknd.gov>; Jenny Wollmuth <jwollmuth@bismarcknd.gov>; Sarah Fricke <sfricke@bismarcknd.gov>
Subject: RE: Board of Adjustment Appeal Request for 5215 E Main Avenue

Noah,

Your request has been received. An applicant letter containing information for your appeal to be heard at the **September 3, 2026**, Board of Adjustment meeting at 5:00 p.m. in the Tom Baker Meeting Room will be sent to you.

If you have any questions, please feel free to contact me.

Annie Hojian
Code Enforcement Officer

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From: Nodak Rec [REDACTED]
Sent: Tuesday, July 21, 2026 8:57 AM
To: Annie Hojian <ahojian@bismarcknd.gov>
Cc: Daniel Nairn <dnairn@bismarcknd.gov>; Jenny Wollmuth <jwollmuth@bismarcknd.gov>; Sarah Fricke <sfricke@bismarcknd.gov>
Subject: Re: Board of Adjustment Appeal Request for 5215 E Main Avenue

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Annie,

I am requesting that my appeal be heard at the regularly scheduled September 3, 2026, Board of Adjustment meeting instead of the August 6, 2026, meeting.

The reason for this request is that yesterdays meeting provided a significant amount of new technical information regarding the site development requirements, floodplain considerations, core permits/mitigations, phased development options, and the engineering work that will be necessary for this property. I believe additional time is needed to fully evaluate these requirements, consult with the appropriate professionals, and determine the most practical path toward bringing the property into compliance.

I would also prefer to have engineered site plans in hand before appearing before the Board of Adjustment. Having those plans available will allow me to demonstrate that I am actively working toward developing the property and achieving compliance with the City's requirements. I believe presenting the Board with a clear development plan, rather than discussing concepts alone, will allow them to better understand my commitment to moving this project forward.

I also want to ensure that I have sufficient time to gather all relevant information and present a complete and well-informed appeal to the Board. Delaying the hearing until September will allow me to better understand the City's requirements, finalize a development strategy, and provide the Board with a more thorough presentation of the circumstances and my proposed path forward.

Thank you for accommodating this request. I appreciate the time and assistance that City staff have provided throughout this process, and I look forward to continuing to work toward a resolution.

Sincerely,

Noah Hamre
NoDak Recreation

From: Annie Hojian

Sent: Monday, July 20, 2026 4:54 PM

To: [REDACTED]

Cc: Daniel Nairn <dnairn@bismarcknd.gov>; Jenny Wollmuth <jwollmuth@bismarcknd.gov>; Sarah Fricke <sfricke@bismarcknd.gov>

Subject: Board of Adjustment Appeal Request for 5215 E Main Avenue

Noah,

Thank you for taking the time to meet with Planning, Building Inspections, and Engineering (Stormwater) today regarding site development requirements for your property located at

5215 E Main Avenue. You indicated during this meeting you feel additional time would be beneficial to you before your appeal request of the Notice and Order, issued July 13, 2026, be heard at the regularly scheduled Board of Adjustment meeting on August 6, 2026. If this is your intent and request, please respond to this email affirming you would like to have your appeal heard during the regularly scheduled September 3, 2026, Board of Adjustment meeting. Please include a brief explanation/rationale for the request.

The fee for appeal has been received as of today, July 20, 2026.

If you have any questions, please feel free to reach out to me. Thank you.

Annie Hojian

Code Enforcement Officer

City of Bismarck

Building Inspections

221 North Fifth Street

PO Box 5503

Bismarck ND, 58506-5503

Office Main Line: (701) 355-1465

Office Direct Line: (701) 355-1469

Fax: (701) 222-6450

Email: ahojian@bismarcknd.gov

Website: www.bismarcknd.gov/111/Building-Inspections

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From: Annie Hojian

Sent: Friday, July 17, 2026 4:40 PM

To: [REDACTED]

Cc: [REDACTED] Jenny Wollmuth <jwollmuth@bismarcknd.gov>; Sarah Fricke <sfricke@bismarcknd.gov>

Subject: RE: Appeal request

Noah,

Thank you for your written request to appeal the Notice and Order issued on July 17, 2026, for 5215 E Main Avenue (CEZO2025-0003). The Board of Adjustment will meet on August 6, 2026, at 5:00 p.m. in the Tom Baker Meeting Room located at 221 N 5th Street.

I have cc'd Jenny Wollmuth, Senior Planner, and Sarah Fricke, Senior Administrative Assistant, on this request. Sarah will be able assist with the collection of appeal fees due (\$250.00), or you may also make payment when you are here for your meeting on Monday, July 20, 2026, at 1:30 p.m.

If you have any questions, please feel free to contact me. Thank you.

Annie Hojian
Code Enforcement Officer

City of Bismarck
Building Inspections
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From: Nodak Rec [REDACTED]
Sent: Friday, July 17, 2026 3:01 PM
To: Annie Hojian <ahojian@bismarcknd.gov>
Cc: [REDACTED]
Subject: Appeal request

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Dear Annie,

I am writing to respectfully request that my case be placed before the Board of Adjustment for appeal regarding the Notice and Order issued for my property at 5215 E. Main Avenue.

Since receiving the notice, I have spent a significant amount of time reviewing the City's requirements and speaking with the various agencies involved.

Today I also spoke with **Tom from Dealer Services** regarding my dealership licensing requirements. He advised me that, provided the City allows me to use the property while it is being developed, I may operate from a **temporary office** during construction and continue completing RV sales from that location. He indicated that this temporary office may serve as my dealership's primary business location while the permanent office and site improvements are being constructed. This information is important because it provides a practical path for me to remain compliant with both Dealer Services requirements and the City's development process.

I am committed to moving forward with the required site plan and constructing a permanent office building on the property. This project represents a substantial investment, and I fully intend to complete the required improvements. However, these improvements cannot happen overnight. Allowing me to continue operating from a temporary office during construction would enable my business to remain operational while the property is brought into compliance in a logical and orderly manner.

I respectfully ask the Board of Adjustment to consider my circumstances and allow a phased approach to compliance that permits continued business operations during the development process. I believe this solution is reasonable, serves the intent of the City's ordinances, and allows me to make the necessary improvements without unnecessarily disrupting my business.

Thank you for your time and consideration. I appreciate the opportunity to present my case before the Board of Adjustment and look forward to working toward a successful resolution.

Sincerely,

Noah Hamre
NoDak Recreation

From: Annie Hojian
Sent: Wednesday, July 15, 2026 12:50 PM
To: [REDACTED]
Cc: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: RE: 5215 E Main Ave-Zoning Violation & Remedies

Noah,

I will have the pre app meeting on August 22, 2026, cancelled per your request.

As stated in previous conversations and emails, this property is zoned CG - Commercial and must meet the City's ordinances for this zoning. The meeting on Monday, July 20, 2026, at 1:30 p.m. will allow for you to have any questions you have regarding zoning and site development standards required answered by our Planning Department. Planning will be best able to advise you as to the City's zoning and site development requirements, as well as any proposed phased site development approach, and address Special Flood Hazard Area (SFHA) requirements. Both I and Building Inspections will also be attending the meeting. If you are working with an engineer, they are certainly welcome to attend the meeting also, as would be anybody else you would like to attend.

The City of Bismarck does not and cannot enforce any NDDOT requirements. The City of Bismarck requires any CG zoned property to meet the zoning requirements found within City Code of Ordinance to obtain and remain in compliance. Any allowances for a variation to the NDDOT requirements regarding dealer's licenses will be at the discretion of that issuing and governing agency.

Thank you for notifying me regarding T Trailers and I will research this property.

Annie Hojian

Code Enforcement Officer

City of Bismarck

Building Inspections

221 North Fifth Street

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including, but not limited to, email messages and attachments may be subject to North Dakota Open Records and Meetings law.

From: Nodak Rec [REDACTED]
Sent: Wednesday, July 15, 2026 10:27 AM
To: Annie Hojian <ahojian@bismarcknd.gov>
Cc: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: Re: 5215 E Main Ave-Zoning Violation & Remedies

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Can we cancel the pre app meeting on the 22nd and keep the informal meeting in the 20th? I feel that all of my questions should be able to be answered in one meeting, and since I am putting up a permanent structure now I am working with an engineer to develop site plans.

I also wanted to address the issue regarding operating the property while the site is being developed.

North Dakota Department of Transportation, made temporary allowances in the past to permit T Trailers, to operate their full dealership using a temporary office while the permanent site was still under development. That demonstrates there is precedent for allowing a business to continue operating during the development process.

At some point, I believe the City and NDDOT will need to come to an agreement on a reasonable temporary solution that allows my business to continue operating while I complete the required site improvements. I fully understand the City's long-term requirements, and I am committed to bringing the property into compliance. However, completely shutting down operations during the development process is simply not a realistic option. I have inventory continually arriving, customers to serve, employees and vendors to pay, and ongoing business obligations that cannot simply be put on hold for several months.

My goal is not to avoid compliance but to work cooperatively toward a practical path that allows the business to remain somewhat operational while the property is being improved. I am investing significant time and resources into developing this site, and I hope we can identify a temporary solution that satisfies both the City's concerns and the realities of operating a business.

-Noah

From: Annie Hojian
Sent: Wednesday, July 15, 2026 9:07 AM
To: [REDACTED]
Cc: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: RE: 5215 E Main Ave-Zoning Violation & Remedies

Noah,

Good morning, I did schedule a meeting with Jenny Wollmuth, Senior Planner and Certified Floodplain Manager, and also invited Kelly Unger, Commercial Plans Examiner, and Brady Blaskowski, Building Inspections Director (as he reviews and approves all floodplain elevation certificates for building permits), for Monday, July 20, 2026, at 1:30 p.m. in the David Blackstead Conference Room. This is located on the 2nd floor in our offices. I am awaiting confirmation from them, but when I scheduled the meeting, they were all available. If this date/time will not work for you, please let me know. I am attempting to get an inquiry meeting scheduled for you so that any questions you have pertaining to site development and requirements can be answered prior to the deadline, Wednesday, July 22, 2026, to notify Planning, or I, of your wish to appeal to the Board of Adjustment at their August 6th meeting.

With regard to the Notice and Order stating no items may be moved onto the property and the property may not be used until all site plan developments are completed, this is the requirement for the property to be compliant and remain as such. The issue that you have with this property is that the property is not zoned for you to use it how you have been or may want to at this time. A CG – Commercial zoned property may not be used for storage or display of inventory. To remain in compliance with this CG zoning, sales *must* be conducted on the property to make this a Retail Group B, and an allowable use within the CG zoning. For sales to be conducted here, the site must meet site plan development requirements (paving and landscaping/screening). While the City does not require a building to be located on the property for sales to occur, the North Dakota Department of Transportation (NDDOT) does. Per North Dakota Century Code (NDCC) 39-22-15 “*a permanent enclosed building of at least 250 square feet...be located on the property zoned or otherwise approved for this purpose*”. While we do not, and cannot, enforce any NDDOT regulations, if you have not met their requirements but are making sales on this property, in order to be compliant with the City of Bismarck, it may affect your dealer’s license to the point of fines and/or suspension. I certainly do not want that to happen to you.

If this property was zoned MA, this would not be an issue. You would be able to store your inventory and items, or display inventory, on the property. Should you choose to develop the site, sales could be made at the location (if you met NDDOT requirements for your dealer’s license), and it would comply with City of Bismarck ordinance.

If you have any specific sites, I am more than happy to research the zoning, site plan development/requirements, and any variances that may have been applied for or granted for that property. Each property is unique and without knowing which property it is, I cannot for certain tell you why it is the way it is for that property. It is also a possibility that the property was/is operating out of compliance with City of Bismarck ordinances.

If you have any questions, or I’ve not explained something well, please let me know.

Annie Hojian

Code Enforcement Officer

City of Bismarck

Building Inspections
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Bismarck ND, 58506-5503

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From: Nodak Rec [REDACTED]
Sent: Tuesday, July 14, 2026 7:19 AM
To: Annie Hojian <ahojian@bismarcknd.gov>
Subject: Re: 5215 E Main Ave-Zoning Violation & Remedies

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Good morning,

I understand. Thanks for the clarification. The notice you sent says I am not allowed to move anything back or use the property until all site plan developments are completed. Can you elaborate on what that means? My friend who started a dealership was allowed to use is lot (before even submitting a site plan) under the condition that he had a temporary office there. And I am hoping to do the same as I have nowhere else to operate with adequate lot space.

-Noah

From: Annie Hojian
Sent: Monday, July 13, 2026 5:02 PM
To: 'Nodak Rec' [REDACTED]
Subject: RE: 5215 E Main Ave-Zoning Violation & Remedies

Noah,

Attached is the Notice and Order issued with a final corrective date of October 11, 2026, as discussed.

I did check on the enclosed trailer and existing sign questions you had. All items would have to be removed from the site to be in compliance. The trailer would need to be removed due to the issue of the zoning not allowing for the storage of items. Leaving the trailer on the property would be “storing” it, which is the reason all of your campers have to be moved off the lot. The sign would not be able to remain as it does not have a permit. A permit can be applied for, but due to the site not meeting site plan development requirements, the permit application would not be able to be approved at this time. I also found in ordinance that while it is written more for the intent of billboards, as no building exists or development of the lot, it would be an “off-premise” advertising sign. To meet ordinance requirements of any off-premise advertising, due to the R – Residential zoning to the south, any off-premise sign must be 300’ away from any residential zone and your property just cannot meet that threshold.

I wish I had better answers for you, but it appears the best course of action forward is to clear the property of all items, apply for site plan development and then progress from there.

If you have any questions, please let me know and I will also get back to you on a date for an inquiry meeting.

Annie Hojian
Code Enforcement Officer

City of Bismarck
Building Inspections
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From: Nodak Rec [REDACTED]
Sent: Monday, July 13, 2026 3:47 PM
To: Annie Hojian <ahojian@bismarcknd.gov>
Cc: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: Re: 5215 E Main Ave-Zoning Violation & Remedies

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Thank you for the additional time, I should be able to find something and have everything moved within 90 days. I greatly appreciate it.

Is it only the business assets (campers) that need to be moved? I would most importantly like to keep my security trailer there so I can keep an eye on things, and if I can also keep my sign there that would be appreciated.

-Noah

From: Annie Hojian <ahojian@bismarcknd.gov>
Sent: Monday, July 13, 2026 3:39 PM
To: [REDACTED]
Cc: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: RE: 5215 E Main Ave-Zoning Violation & Remedies

Noah,

I have asked Planners, as well as our Commercial Plans Examiner, for two potential dates/times everyone would be available to meet with you to have any questions answered regarding site plan development and construction. I will let you know what those options are once I hear back from them.

Allowing time beyond the proposed 60 days is a reasonable request. I would agree to allow 90 days to relocate your inventory as finding available space to accommodate you may prove to be a challenge; especially as private owners will also be looking for storage space for the winter season. This would make a final compliance date of October 11, 2026, with an inspection on October 12, 2026. I am reluctant to allow much time beyond this as ND winters can be unpredictable. While it is not impossible to move inventory in the winter months, it does prove to be more challenging, and I want to help you avoid that if at all possible. Please let me know if 90 days would be acceptable to accomplish your goals.

Again, thank you for remaining polite and professional in this unfortunate situation. Please let me know how I may be able to help or if you have any questions. Upon reaching an agreement with a date to have inventory removed, I will issue the Notice and Order so that you do have the opportunity to appeal to the Board of Adjustment if you so choose.

Annie Hojian

Code Enforcement Officer

City of Bismarck

Building Inspections

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From: Nodak Rec [REDACTED]
Sent: Monday, July 13, 2026 3:16 PM
To: Annie Hojian <ahojian@bismarcknd.gov>

Cc: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: Re: 5215 E Main Ave-Zoning Violation & Remedies

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Thank you for taking the time to meet with me this morning and for sending such a detailed summary of everything we discussed. I appreciate all of the information and the effort you've put into helping me understand the City's requirements and the options available.

After reviewing everything and considering the information you received from the DOT, I now understand that no sales can occur at the 5215 E. Main Ave. property under my current dealer license. Since our meeting, Tom with Dealer Services also contacted me and spent about ten minutes explaining dealer licensing requirements and emphasizing that sales are not permitted at that location.

Based on everything I've learned, I believe the best long-term solution is to move forward with the site plan process and include a building so that I can ultimately operate my business from 5215 E. Main Ave. and have everything located at one site in compliance with both the City and the DOT.

I would like to ask if there is any possibility of allowing additional time beyond the proposed 60 days to remove my inventory. At this time, I simply do not have another property with enough available space to relocate my inventory, so I will need to work through a solution while I continue pursuing the site plan and development process. My goal is to comply, but the logistics of relocating everything on such short notice will be very difficult.

I intend to continue working in good faith with the City and Planning staff to move this project forward as quickly as possible.

I would also like to schedule a meeting with the planning staff as soon as possible to discuss some questions I have so I can proceed with making a general site plan.

Thank you again for your assistance, and your willingness to work with me and help me on these issues

Sincerely,

Noah Hamre
NoDak Recreation

From: Annie Hojian <ahojian@bismarcknd.gov>
Sent: Monday, July 13, 2026 2:17 PM
To: Nodak Rec [REDACTED]

Cc: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: RE: 5215 E Main Ave-Zoning Violation & Remedies

Noah,

Thank you for meeting with me this morning. I did create an AEC for NoDak Recreation and sent you the instructions on setting up an eTRAKiT account in a separate email. The eTRAKiT account is necessary to apply for the SM-04 requirement for the site plan application.

During our meeting we discussed your upcoming pre-app meeting with Planning staff. You stated that it was Wednesday at 10:00 a.m. and did ask that I be in attendance. I can be there to answer any questions and hear firsthand what site plan requirements are. Some site plan is required, and attached is a very basic layout of your property. If you do want to submit this application without using a civil engineer, I would suggest using this information and having it drawn to scale with where your proposed parking will be, a future building (if desired), landscaping buffer, screening, and any dimensions included, etc. You mentioned that a friend has a building you like and asked if you would be able to use the same plans. While I do think it would be acceptable, as we have permitted multiple residences with the same floor plan, I would defer to our Commercial Plans Examiner Kelly Unger, kunger@bismarcknd.gov, for a final determination regarding any commercial building plans and requirements.

Our discussion included several topics, some of which pertained to the possibility of acquiring the property to the east of your property (Parcel ID: 1100-001-090). To determine what is required to develop the site and how/if this can be accomplished, Jenny Wollmuth, Senior Planner, would be a great resource. You also stated that while the parcel cannot be “purchased”, it can be acquired through a “donation” and asked how to determine what a reasonable amount would be. From the City of Bismarck’s website, www.bismarcknd.gov, you can navigate to Assessing’s information, and they do have a map where you can enter an address and find out the assessed tax value <https://bismarck.maps.arcgis.com/apps/mapviewer/index.html?webmap=b34b6f48a7e44c099eb7b83210b1718b>. I’ve attached that here for 5319 E Main Ave. You may use this information and reach out to a realtor of your choice for a market analysis. Using this information, you may be able to determine a value for this property. You also discussed the possibility of using the naturally occurring vegetation (cattails) as “landscaping” and this would be something to discuss with Planning and/or Forestry staff for landscaping requirements and approved plant materials. While you may certainly apply for a zoning change request for this parcel to be zoned as MA – Industrial rather than CG – Commercial, and I am not attempting to influence your decision in any way, I do want to draw attention to the fact that zoning changes are generally made to make an area more cohesive. I also want to relay, as in previous emails, that a zoning change request was previously denied for your property at 5215 E Main Ave.

With regard to storage of campers for the “off-season” for customers, this would not be an allowable use in CG – Commercial zoning. This would be allowable only in an MA – Industrial zoning. While storage of your business’ inventory is ancillary to your business, once a customer has purchased a unit, it is now theirs and cannot be stored there. It is reasonable to make allowances for circumstances such as a buyer is on vacation for 2 weeks and cannot pick it up until they come back, or a 5th wheel was purchased and a hitch needs to be installed. If a unit was “sold”, but the purchaser is making payments, that is still your property until they’ve completed the terms of the sale and can remove the item.

We also discussed that any site plan you may apply for has the unique position in which you may choose to follow requirements of current Title 14 – Zoning, or the recently adopted Land Development Code (LDC) that will be effective October 1, 2026. Once you choose which option is most advantageous to you, you must comply with all requirements of either choice. You may not choose ABC from Title 14 and XYZ from the LDC.

I explained the role of the Board of Adjustment and that they hear any applications to grant any variance from City of Bismarck ordinances as well as appeals. With both a variance application and an appeal, the Board of Adjustment is looking at how/if the ordinance may be adjusted for a property and why. Per The City Code of Ordinance Section 14-06-02 (Board of Adjustment)(Powers and Duties), 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 ordinances 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.

We did discuss that the Notice and Order will be written after your pre-app meeting and questions being answered by Planning. Should you desire to appeal this Notice and Order,

the 10-day window would start the day the Notice and Order is issued. The Notice and Order would also have a “date certain” that the property would have to be in compliance. You indicated sales are occurring on the property and the violation would be that it has not met site plan development requirements. To obtain compliance, all items would have to be removed. It is possible that an appeal to the Board of Adjustment, should you so desire, as well as/or an application for site plan has been submitted during the time period allowed for the property to reach compliance. While the site cannot remain non-compliant longer than necessary to correct the violation, it does show good faith if you do continue to attempt to sell inventory, move inventory, apply for site plan development etc. It would be respectfully requested that no additional inventory be moved onto the property as you’ve been notified of the violation and you do not want to add to the violation.

Upon our meeting ending, I was able to verify with Planning that your pre-app meeting is not scheduled until August 10, 2026, at 10:00 a.m. Generally during a pre-app meeting, a fairly concise site plan has been created, and many times building plans accompany them. It would be feasible to have an inquiry meeting with Planning staff if you would like prior to this. It sounds like this may be more appropriate to have your questions answered prior to any pre-app meeting and determine if you are prepared for that step at this time. Please let me know if you’d like to have a meeting set up and I can help arrange this.

Also, after our meeting ended, I did reach out to the North Dakota Department of Transportation (DOT) regarding your concern that the State had relayed some information that did not comply with City requirements and how our agencies can work together more effectively. I also received some education as to dealer’s license requirements regarding primary sales lots and secondary sales lots. I was informed that per DOT requirements, for a site to be considered a primary location, sales must occur on site, all business records are available at this location, inventory/certificates can be produced upon request, and that a building of a certain size be at the location. Per DOT requirements, a secondary lot may be registered for the storage and display of inventory, with a sign containing contact information for the business, but no sales can occur at this site. They also require that any sites are in compliance with City ordinances. Upon learning this information, it creates a situation for your property in which if you are to be compliant with the DOT, no sales can occur on this property. Should no sales occur on this property, it would be considered “storage” by the City of Bismarck, and this is a prohibited use in CG – Commercial zoning. Should you amend your dealer’s license, have this as your primary lot and make sales at the property, making the site an allowable use group with City ordinances, it would put you out of compliance with the DOT as no building exists on the property. To be compliant with the State, you are out of compliance with the City, and if you are in compliance with the City, you are out of compliance with the State. To correct either of these issues, items have to be removed to bring the property into compliance. To have any use of the property, the site would have to be developed and per DOT requirements, a building present.

I realize this is not the direction our conversation appeared to be heading and this is beyond frustrating for you. Upon learning this information regarding your dealer’s license

and knowing removal of items is the only way to be compliant with both agencies as of today, I propose issuing a Notice and Order today, July 13, 2026, with the violation being the use group (Sections 14-03-07(13) of the City Code of Ordinances (Use Groups)(Industrial Group A). This would allow for you to remain compliant with DOT requirements for your dealer's license at your primary location on Burlington Dr. I propose 60 days to remove all items from the property, Friday, September 11, 2026, with an inspection date of September 14, 2026. You may exercise your right to an appeal by responding to the email with the Notice and Order that you wish to appeal this decision within 10 days, with the \$250 fee due and payable at that time. This would allow for the notification of your appeal being received, appropriate notifications being sent to adjacent property owners, and the ability to attend the August 6, 2026, Board of Adjustment meeting. You may still choose to set up an inquiry meeting with Planning staff and/or apply for any site plan development during this period.

Please let me know if you would be in agreement of this course of action prior to 4:00 p.m. today, July 13, 2026, and if 60 days would be appropriate. If I do not receive a response by this date/time, I will issue the Notice and Order as described above. This would allow time for the Notice and Order to be issued prior to end of day. I do realize that moving 10-14 items to a property appropriately zoned, and with available space, would be an exercise in logistics. Again, if you have any questions, or I've not explained something to your understanding, please let me know. I sincerely am interested in trying to help you find a solution to this issue, but it appears in this case due to the zoning of this property you are stuck between two agency's requirements and both ultimately require the site to be developed prior to your desired use to be compliant with either.

Annie Hojian

Code Enforcement Officer

City of Bismarck

Building Inspections

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From: Nodak Rec [REDACTED]
Sent: Friday, July 10, 2026 5:07 PM
To: Annie Hojian <ahojian@bismarcknd.gov>
Subject: Re: 5215 E Main Ave-Zoning Violation & Remedies

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Sounds good, thank you.

From: Annie Hojian
Sent: Friday, July 10, 2026 5:06 PM
To: 'Nodak Rec' [REDACTED]
Subject: RE: 5215 E Main Ave-Zoning Violation & Remedies

Noah,

Yes, it does. I have it on my calendar and will see you at 9am on Monday, July 13, 2026.
Thank you.

Annie Hojian
Code Enforcement Officer

City of Bismarck
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221 North Fifth Street
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From: Nodak Rec [REDACTED]
Sent: Friday, July 10, 2026 5:05 PM
To: Annie Hojian <ahojian@bismarcknd.gov>
Subject: Re: 5215 E Main Ave-Zoning Violation & Remedies

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I can head over there at 9am if that works with your schedule.

From: Annie Hojian
Sent: Friday, July 10, 2026 4:50 PM
To: 'Nodak Rec' [REDACTED]
Subject: RE: 5215 E Main Ave-Zoning Violation & Remedies

Noah,

Absolutely. What time would work best for you on Monday? I'm here by 0800.

Annie Hojian
Code Enforcement Officer

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From: Nodak Rec [REDACTED]
Sent: Friday, July 10, 2026 4:23 PM
To: Annie Hojian <ahojian@bismarcknd.gov>
Cc: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: Re: 5215 E Main Ave-Zoning Violation & Remedies

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I do have a few other questions. Would you have time to meet with me on Monday?

From: Annie Hojian
Sent: Friday, July 10, 2026 11:45 AM
To: 'Nodak Rec' [REDACTED]
Cc: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: RE: 5215 E Main Ave-Zoning Violation & Remedies

Noah,

I apologize for the delay in responding to your emails.

You are correct that in previous emails I did state one option to remedy the violation would be to modify your business model so that sales occur on the property. This would make the use a "Retail Group B", which is an allowable use for a parcel zoned CG – commercial. If sales occurred on the property, then the *zoning violation* would be corrected. However, all commercial lots must meet the City's development standards, including pavement of surfaces and landscaping. If this lot is indeed functioning as a "Retail Group B" as the principal use, it is currently operating out of compliance with these standards. To correct *this ordinance violation*, an application for site-plan development would need to be submitted, reviewed, and approved.

Currently, the violation that exists is that the use group (storage) is not allowable in CG. This interpretation has been determined utilizing current ordinance and based upon information you previously provided concerning the use of the property. When we spoke in April, you did explain this was a secondary lot, no sales were occurring on this lot, and it

was used for the storage of inventory. Storing inventory is not an allowable use in CG, but it would be in an MA-Industrial zoned property.

- Section 14-04-12 (2) of the City Code of Ordinances (CG – Commercial District)(Uses Permitted)
- Section 14-04-14 (2) of the City Code of Ordinances (MA – Industrial District)(Uses Permitted)

You do have the right to appeal the administrative interpretation of the zoning violation should the site's use remain for the storage of inventory with no sales being conducted on the property.

As the North Dakota Department of Transportation has confirmed sales may legally occur from this location and two recent sales were conducted on the property, Planning would be open to an interpretation that the principal use on this property is "Retail Group B", and storage of inventory is incidental to this principal use. The property is still subject to development standards. If a site plan is approved and the necessary development of the site is completed, then it may be occupied in compliance with the ordinance at that time.

With regard to the requirement all inventory be removed before a site plan application can be submitted or approved, if sales are occurring on the site, the site is currently in violation of the ordinances relating to design standards stated below.

- Section 14-04-12 (12) of the City Code of Ordinances (CG – Commercial District)(Off-Street Parking and Loading Space)
- Section 14-03-10 (5) of the City Code of Ordinances (Off-Street Parking and Loading)(Design Standards)
- Section 14-03-11 (10) of the City Code of Ordinances (Landscaping and Screening)(Buffer Yards)

You do have the right to appeal site plan development requirements per ordinance.

A property owner may not operate a business out of compliance with the ordinance for any length of time. The Notice and Order customarily offers a reasonable amount of time to bring the site into compliance, and this can be discussed. However, a previous email in this thread referenced site development as a "long-term plan". It is not reasonable to remain out of compliance for more time than necessary to rectify the situation. You had mentioned the possibility of developing the site in phases, which is reasonable, however there are some conditions that must be met prior to being able to utilize the property as you intend. I had suggested scheduling a pre-app meeting with Planning to discuss your ideas and have any questions answered. They would best be able to advise you as to a timeline for any proposed phased site development and at what point the property would be developed to the point of meeting development standards to comply with ordinance.

I think there may be some confusion as it appears that you are attempting to utilize the property with two different uses. Industrial enough to not need to pave, but commercial enough to be an allowable use in this district. A choice will have to be made that best reflects how the site will be primarily utilized and operate accordingly. If you will be conducting sales at the site, it would trigger the site plan development requirement. If no sales will be conducted at the site and it will be used for storage, this is not an allowable use in CG. With either, the inventory will need to be removed for the property to be in compliance. The previously discussed options (appeal, site plan development, zoning change request) can be utilized as potential remedies to use your property as you intended when you purchased it.

You have been nothing but polite and professional in all of our conversations, via phone and email, and I greatly appreciate it. I can certainly understand any frustrations you may have and want to try and provide clear and understandable explanations, reasons, and potential solutions so that you can make informed decisions. It is my goal to apply enforcement procedures without prejudice and in a professional, fair, and consistent manner.

In a previous email I relayed I was going to draft and issue a Notice and Order on Monday, July 13, 2026. I do not think that is fair as you are getting a response to your questions two days after asking them, and you may still have additional questions, or I've not explained something clearly. I will delay the Notice and Order until Wednesday, July 15, 2026, to allow reasonable time to ask questions, process information, and come to an agreement regarding the removal of items.

Again, I do want to remind you that you may exercise your right to an appeal, whether it may be for a zoning violation or site plan development requirements. I did get clarification regarding appeals. An application would not be required, just the written notification within 10 days of the Notice and Order being issued requesting an appeal and the \$250 administrative fee would be needed. The appeal would be heard during the next available Board of Adjustment meeting. In this instance, it would be August 6, 2026, at 5:00 p.m.

If you do have any questions, please let me know. I will be in the office the rest of today and available to respond in whatever manner is most convenient for you. You can email, call me at 355-1469, or even stop in for an in-person meeting it is preferable for you.

Annie Hojian

Code Enforcement Officer

City of Bismarck

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From: Nodak Rec [REDACTED]
Sent: Wednesday, July 8, 2026 4:08 PM
To: Annie Hojian <ahojian@bismarcknd.gov>
Cc: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: Re: 5215 E Main Ave-Zoning Violation & Remedies

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Also, From my understanding of the ordinance, Retail Group B includes the retail sale of trailers and other vehicles, while Industrial Group A is intended for manufacturing activities and storage uses. The distinction appears to be based on the principal activity occurring on the property.

This is where I am struggling to understand the City's interpretation of my property.

While inventory is located on the lot, I have not been using the property solely as a storage yard. I have regularly met customers at the property, shown customers RVs located there, allowed customers to inspect and compare units, and had customers take delivery of units from that location after purchase. The only thing I haven't been doing there, is the paperwork side of things. If the only thing I need to change is having the customer write the check and receive the invoice at the secondary lot, that's not an issue

I do not believe the property's principal use is simply "storage." Rather, it is functioning as an extension of my RV dealership where inventory is displayed, shown to customers, sold,

and delivered. Storing inventory is certainly part of operating an RV dealership, but it is incidental to the retail sales activity rather than being the primary purpose of the property.

Could you please explain what specific criteria the City uses to determine when a property is considered a storage use versus a Retail Group B use? Additionally, could you identify the specific section of the zoning ordinance that supports classifying my property's principal use as Industrial Group A despite the retail sales activities occurring on the property?

My goal is not to be argumentative, but rather to understand the basis for the City's interpretation so I can make informed decisions moving forward. I appreciate your time and look forward to your clarification.

On Wed, Jul 8, 2026 at 1:20 PM Nodak Rec [REDACTED] wrote:

Hello,

Thank you for your continued communication and for providing the information regarding the potential options available for the property.

After reviewing your emails, I need clarification regarding what appears to be a significant inconsistency between the options originally provided and the requirements outlined in your most recent email.

In your first email, you explained that one option to remedy the violation would be to modify my business model so that sales occur on the property. You stated that sales of trailers, campers, and similar vehicles would fall under "Retail Group B," which is an allowable use in the CG – Commercial zoning district. My understanding from that explanation was that by conducting sales on the property, the use would align with the permitted zoning classification and I could then proceed through the site plan process to address applicable requirements.

However, your most recent email states that the property is currently non-compliant and that all inventory would need to be removed before a site plan could be approved, even if the intent is to operate the property as a permitted retail use. This appears to conflict with the previous explanation that conducting sales on the property would be a valid option to remedy the violation.

I would appreciate clarification on the following:

1. If retail sales are an allowable use under the CG – Commercial zoning district, why would the property still be considered in violation once retail sales are occurring?

2. What specific section of the City Code of Ordinances requires all inventory to be removed before a site plan application can be submitted or approved?
3. If a property owner chooses the option of transitioning the property to a permitted retail use, what is the required process and timeline for doing so while continuing to operate the business?

I have also confirmed with the North Dakota Department of Transportation that my dealer license allows this location to operate as an approved secondary lot and that sales may legally occur from this location. Based on that approval, I conducted two RV sales from this property yesterday. Since sales are now occurring at the location, I would like clarification as to how the property is being classified under the City's zoning interpretation and why it would still be considered an Industrial Group A use rather than a Retail Group B use.

I am making every effort to work cooperatively with the City and bring the property into compliance. However, before making decisions regarding removal of inventory, site plan development, or other significant changes to my business, I need a clear understanding of the requirements and the specific ordinance provisions supporting them.

I apologize if this comes across as sounding rude, that's not my intention at all, I'm just looking for some clarification.

-Noah

From: Annie Hojian
Sent: Wednesday, July 8, 2026 11:27 AM
To: 'Nodak Rec' [REDACTED]
Cc: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: RE: 5215 E Main Ave-Zoning Violation & Remedies

Noah,

I apologize for the delayed response.

I can appreciate the concern for the significant cost of paving a property. A property zoned CG-Commercial as this is, does have that paving requirement whereas a property zoned MA-Industrial has different parking/paving requirements. I can also appreciate the concern of the cost and work associated with paving an area, that may be removed in a few years to construct a building in its place. It is very reasonable to look at your long-term goals and break them down into phases. I cannot make any decisions for you, or make any determinations for the Planning staff, but scheduling a pre-app meeting for site plan may be advantageous to you. This would allow for you to discuss your ideas and ask any questions you may have to get correct answers from Planning staff so that you can make informed decisions. The phasing, scope of work during each phase, and timeline of your

project can also be discussed. Please remember, once a site plan is approved it is valid for 2-years from the date of approval letter. To be approved for any building permits a valid site plan must be in place. If you would like to schedule a pre-app meeting, please let me know and I can assist you with doing so.

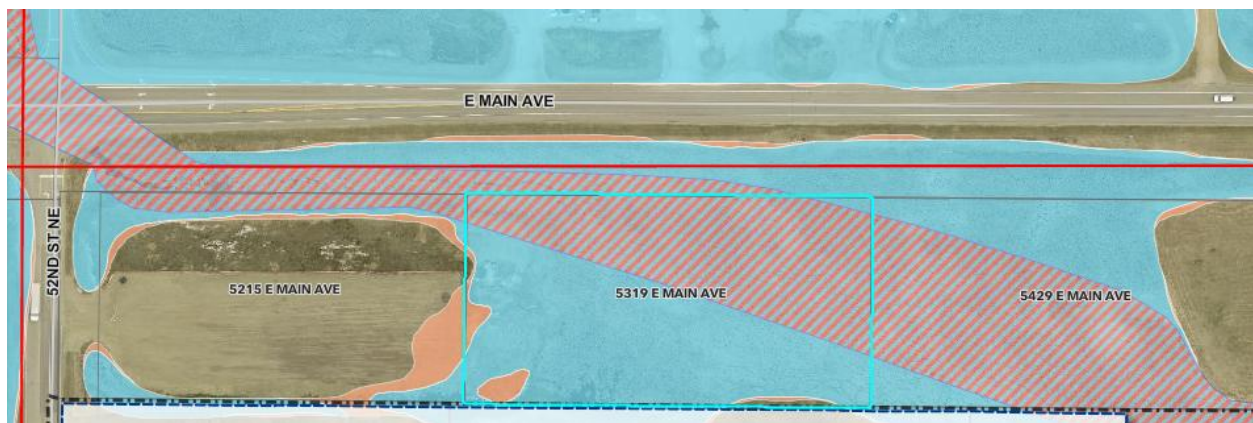
Regardless of whether you choose to move forward with site plan development, would request a second attempt at a zoning change, or wish to appeal the zoning interpretation, the site is currently non-compliant. This would need to be addressed and corrected first, especially if you are interested in developing the site for commercial sales or would apply for a zoning change request. A site plan can not be approved for a property that is non-compliant, nor can any building permits be issued for any site that is non-compliant. Currently for this site to be compliant, all items would need to be removed due to it being zoned CG, but no sales occurring on the property. For sales to occur on the property, it would require site plan development, in which the items would still need to be removed prior to approval even if the site is developed in phases.

An official Notice and Order will be issued due to the property being non-compliant, a use group not allowable for the zoning. A Notice and Order is the first step in a legal process that could be scheduled for a court hearing before a judge, and the letter has “date certain” that XYZ will occur. In the event the property is not brought into compliance prior to the “date certain” in the Notice and Order, then further action may be taken regarding working towards a hearing. I do want to help find a solution and work with you on reasonable time frames. I understand you have a family, a life, and a business you are trying to give appropriate attention to all at the same time. I want to ensure that any “date certain” that is written in the Notice and Order is reasonable and obtainable, so the violation and subsequent actions do not progress. I do not want to set you up to fail. The Notice and Order has not been written and issued as of yet, per our phone conversation last week, to allow you an opportunity to think through your options and about what you may want to do in the future. With that said, once the Notice and Order is issued, the deadline requirements begin. These would be deadlines regarding when items must be removed, when written notification and applications are due should you choose to exercise your right to an appeal, and/or when any applications regarding site plan development would be due. I am willing to discuss a time frame for the removal of items and propose 30 days from date of letter. During those 30 days you’d have an opportunity to remove the items, have the property be compliant, and work towards scheduling/attending any meetings regarding site plan development and subsequent applications, exercise your right to an appeal, discuss with a planner the request for a zoning change, etc. If you do not think 30 days is obtainable, please let me know what you do think would be reasonable and we can come to an agreement.

You did mention the possibility of obtaining the parcel to the east of your property (Parcel ID: 1100-001-090) which would allow you more area to work with regarding any site development, construction, and growth of your business. I am not attempting to influence any decisions you wish to make, but I do want to provide you with some information so you

can make an informed decision and/or purchase if you so choose. This parcel is also zoned CG-commercial and would be subject to the same zoning ordinances as your current property. There is a significant area of land that is located within a floodway on this parcel. Any land located within a floodway cannot be developed to my understanding. I do not claim to, and will not attempt to, know all there is to know regarding elevations and FEMA requirements, or whether an area may or may not be developed regarding SFHA, but I can certainly direct you to Senior Planner Jenny Wollmuth who is a Certified Floodplain Manager.

The below image shows areas within SFHA. Blue represents the 100-year floodplain, the orange is 500-year floodplain, and the area with diagonal red lines is a floodway. This map, and other helpful information is available on the City's website, www.bismarcknd.gov, in the map galleries. There are also maps available that show what each parcel in Bismarck and our ETA (extra-territorial area) is zoned as.



If you have any questions, or I did not answer a question so that you can make an informed decision, please let me know so we can work through it. Again, I can appreciate this is quite a bit of information to process and some hard decisions may have to be made. I am available for questions or discussion, but I am looking to draft and issue a Notice and Order by Monday, July 13, 2026. I do want to draft and issue this official notice with any “date certain” referenced knowing we were both in agreement as to the timeline to get the property in compliance. Please let me know how I can best help you and I appreciate your time and attention in this matter.

Annie Hojian
Code Enforcement Officer

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Email: ahojian@bismarcknd.gov
Website: www.bismarcknd.gov/111/Building-Inspections

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From: Nodak Rec [REDACTED]
Sent: Monday, July 6, 2026 11:36 AM
To: Annie Hojian <ahojian@bismarcknd.gov>
Cc: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: Re: 5215 E Main Ave-Zoning Violation & Remedies

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Hi Annie.

Thank you for the explanation. I understand that crushed concrete would not meet the current requirements. My concern is primarily the significant cost of paving a property that is used mainly for storing RV inventory, where customer traffic is relatively limited.

My long-term plan is to construct a shop building on the property, but I wasn't anticipating beginning that project for at least another three years. Because of that, it doesn't make much sense to install concrete now in areas where the future shop will eventually be built and would likely require it to be removed or modified. I am also working to obtain the property located directly east of me, and depending on if I can get that or not, that would also change my property layout plans

In addition, I will need to obtain the necessary permits to utilize the remaining portion of the property because of the wetland areas, which will also take time before the property's final layout can be determined.

I do understand your explanation regarding other commercial properties. While I still believe there are several businesses that do not appear to meet the current driveway and parking surface requirements, I don't think it's productive to focus on comparing my property to others. My goal is simply to find a reasonable path forward for my project.

With those future plans in mind, are there any alternatives the City would consider, such as completing the improvements in phases, reducing the amount of required paved parking, or another approach that would allow me to move forward while working toward full compliance?

- Noah

From: Annie Hojian
Sent: Monday, July 6, 2026 10:51 AM
To: 'Nodak Rec' [REDACTED]
Cc: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: RE: 5215 E Main Ave-Zoning Violation & Remedies

Noah,

Regarding the surfacing requirement,

Current ordinance states:

14-03-10 Off-Street Parking and Loading

5. Design Standards for Required Off-Street Parking and Loading spaces

f. Surfacing. All applications for required off-street parking and loading spaces and all driveways on private property leading to such parking areas shall be surfaced with a dustless all-weather hard surface material. *Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials* installed and maintained according to Title 14 & 14.1 100 industry standards. Crushed rock, crushed asphalt, crushed concrete, or gravel shall not be considered an acceptable surfacing material.

Revised LDC states:

14-13-09 Vehicle Parking Location and Design Standards

2. Off-Street Parking Design Standards

e. Surfacing

i. All off-street parking and loading spaces and all driveways on private property that lead to parking areas shall be hard-surfaced. *Acceptable surfacing materials include asphalt, concrete, brick, cement pavers, or similar materials* installed and maintained according to industry standards. Crushed rock, crushed asphalt, crushed concrete, gravel, or dirt shall not be considered an acceptable surfacing material

Utilizing either current Title 14 or the revised LDC, compacted crushed concrete would not be an approved material. It would have to be an impervious paved surface.

In response to your question regarding consistency in the application of requirements, it's a fair question. There may be several reasons regarding other commercial businesses and parking requirements. Each property is unique and some general answers include that the properties are non-conforming, the property was developed prior to current standards, site plans were approved based on the information provided, however what was approved and what was done do not match, and properties being straight up non-compliant. I can appreciate that it is frustrating to be approached with what needs to be done concerning your property but then looking around our town and wondering why so and so doesn't have to do XYZ. It's very possible the property is non-compliant, but the City has not received any questions or complaints on it, yet. While the City has had code enforcement prior to my position, it is possible some properties have never been properly addressed simply due to lack of resources, mainly staff and time. It is not fair and it certainly does not make it right, but I can tell you with my position focusing solely on Title 4 (Building) and 14 (Zoning), I have the resources available to me to apply the ordinances to all properties without prejudice. I'm also fairly reasonable and I don't want to create frustration and problems for property owners without trying to help solve the problem. If you have any particular properties you'd like a more concrete and direct answer on, I'd be happy to research it and find out exactly why it is the way it is for a property.

If you have any other questions, please let me know how I can help.

Annie Hojian

Code Enforcement Officer

City of Bismarck

Building Inspections

221 North Fifth Street

PO Box 5503

Bismarck ND, 58506-5503

Office Main Line: (701) 355-1465

Office Direct Line: (701) 355-1469

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Facebook: facebook.com/bismarcknd.gov | **X:** x.com/BismarckNDGov | **Instagram:** instagram.com/bismarckndgov | **Threads:** threads.net/@bismarckndgov | **LinkedIn:** linkedin.com/company/CityOfBismarck | **YouTube:** youtube.com/bismarckndgov

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From: Nodak Rec [REDACTED]
Sent: Thursday, July 2, 2026 10:38 PM
To: Annie Hojian <ahojian@bismarcknd.gov>
Cc: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: Re: 5215 E Main Ave-Zoning Violation & Remedies

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Thank you for taking the time to provide the information regarding my property at 5215 E Main Ave. I appreciate the detailed explanation of the City's interpretation and the potential options moving forward.

I have one question regarding the surfacing requirement. The email states that the property must be surfaced with a "dustless, all-weather, hard surface material." Would a properly installed and compacted crushed concrete surface satisfy this requirement, or is the City specifically requiring an impervious paved surface such as asphalt or concrete?

I also have a question regarding consistency in the application of these requirements. I am aware of several commercial businesses in Bismarck that appear to have unpaved parking or display areas, or only a relatively small paved parking area with the remainder consisting of gravel or similar aggregate. Could you please help me understand how those properties are treated under the City's zoning and site development requirements, and how my property differs from those situations?

I want to make sure I fully understand the City's requirements before making any decisions regarding improvements to the property, and I appreciate any clarification you can provide.

-Noah

From: Annie Hojian
Sent: Thursday, July 2, 2026 4:48 PM
To: [REDACTED]
Cc: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: 5215 E Main Ave-Zoning Violation & Remedies

Noah,

Thank you for speaking with me today regarding your property located at 5215 E Main Ave (Parcel ID 1100-001-120). As discussed in our phone conversation, Planning Director Daniel Nairn provided an administrative interpretation of this property and its current use. The property is zoned CG – Commercial, however with no sales occurring on the property and being used for storage of inventory only, it fits the use group of “Industrial Group A”. This use group is allowable in MA – Industrial, but not in a CG – Commercial. This creates a zoning violation found in Section 14-04-12 (2) of the City Code of Ordinances (CG Commercial District)(Uses Permitted).

I’ve researched some potential options to remedy this violation. As discussed, it is a lot of information and I want you to have all information available, and time to process it, to help you make the best decision for your property and business. If you have any questions, or need clarification on anything, please let me know as I want you to make an informed decision.

Your first option would be to appeal the administrative interpretation of Zoning ordinance (Title 14). This appeal is made to the Board of Adjustment. There is a \$250.00 non-refundable fee due at the time of an appeal application. This fee covers administrative costs, including providing notice using the approved notification source (Bismarck Tribune). If you do think you would like to appeal the administrative interpretation, I do have to provide an official written Notice and Order to you via letter. Upon receipt of that official Notice and Order, the intent to appeal must be made, in writing, within 10 days. There is no standard format, and email is acceptable should you wish to appeal the administrative interpretation. It just needs to clearly state, in writing, that you wish to appeal this decision. Please do not get confused with the following date information as the 10-day deadline after issuing a Notice and Order is very important for your appeal. The Board of Adjustment is scheduled to meet August 6th, with all applications due on July 13th. They will meet again on September 3rd, with all applications due on August 10th. The appeal is heard during the Board of Adjustment’s regular agenda, and they may either overturn or uphold the administrative decision. An overturn of an administrative decision requires a super-majority vote (e.g. 4 to 1). Should you choose to appeal, I would be in attendance of the Board of Adjustment meeting and available to answer any questions the Board, Staff, or you may direct towards me.

A second option would be for you to modify your business model and have sales occur on this property. It may be that you would have to amend your dealer’s license with the North Dakota Department of Transportation (NDDOT) to comply with their requirements as this is currently designated as a “secondary lot”, but this is not something the City of Bismarck would have knowledge of or expertise in. Please refer to NDDOT regarding any minimum sales requirements. Should sales occur on this property, this would be considered a “Retail Group B” which includes the sales of cars, trucks, trailers, campers, etc. A use group of “Retail Group B” is an allowable use in CG – Commercial. As a commercial use, the site would be subject to parking and landscaping requirements applicable to any other commercial use, regardless of the absence of a building or need for a building permit.

Currently the lot does not meet surfacing standards as it must be surfaced with a dustless, all-weather, hard surface material. It would also require a landscape buffer along the south side of the property due to the adjacency of single-family residential uses. A side or rear yard of any new commercial land use adjacent to a single-family residential use requires a 20-foot buffer yard. The site would also require perimeter parking lot landscaping along 52nd Avenue NE and East Main Avenue. The services of a civil engineer may be engaged to assist in a site plan submission to the Planning Department. I've included Senior Planner, Jenny Wollmuth, on this email should you have any questions regarding site plans and requirements associated with them.

The next bit of information pertains to site plan submissions and is not comprehensive but gives you a very good idea of what it will require, cost, and a timeline. I do not claim to know all regarding site plans, but if you have any questions, please let me know and I can find the answers or feel free to contact Jenny.

This property is within the city limits of Bismarck and would be considered a Major Site Plan. The fee due at the time of application for a Major Site Plan is \$1050.00. All site plan projects start by submitting the required pre-submittal stormwater management scoping sheet (SM-04) at least (7) days prior to full site plan submittal. If all required documents are submitted, staff's initial review of the site plan will typically be made within (10) working days. A more complex project may take additional review time. During the review process, additional items may be requested for review or revisions be made to the site plan. It can be confusing, and while submission by a civil engineer is not a requirement, many applicants do choose to have them handle this. I do not have an estimate as to the approximate costs of their services. Planning staff is very good at explaining what is needed and will help out as much as possible should you choose to apply yourself. You would need to apply via the eTRAKiT portal and I can assist with getting a user account set up for you to accomplish this.

There are areas of this property that are located within a Special Flood Hazard Area (SFHA). Any development will have FEMA requirements related to this and Jenny would also be able to answer questions you may have relating to required documents pertaining to development within a SFHA.

Once a site plan is approved, an approval letter is issued and the site plan approval is valid for 2 years. For any building permit to be issued, a valid site plan must be in place. For reference, if all required materials are submitted, including elevation certificates, a commercial building plan application can be reviewed and approved within 14 business days. As you mentioned possibly building a shop in the future, it is very realistic for you to submit the site plan application, comply with paving and landscaping and wait for the next year and a half before building a shop, all while continuing to use your property to sell your inventory on site as desired.

Signs on the property will require a sign permit, however this is very minimal in the grand scheme of your upcoming decisions affecting your property. Building Inspections will also help you out as much as possible to help you accomplish your goals.

A third option would be to apply for a Zoning Map Amendment, or Zoning Change (ZC). I do want to make it known and clear that the previous owner of the property did apply for a zoning change from CG – Commercial to MA – Industrial, to allow the property to be used just as you are now, as storage. It was denied on February 26, 2025, however, the denial was not appealed to the Bismarck City Commission. I do not want to make any decisions for you and cannot foretell the future, but realistically I do not think a second request for a zoning change would be supported and approved. A zoning change is a public hearing and adjacent property owners may provide public comment, supporting or disagreeing with the proposed change. This property is 78,708 square feet, which is less than 3 acres and would require a \$1,350 fee due at time of application. The Land Development Code (LDC) was recently revised and adopted. It will take effect October 1, 2026. During the revision, this area was reviewed for appropriate zoning and while some properties to the north of E Main Avenue (Highway 10) did have the zoning administratively adjusted to be more in compliance, your property, and others on the south side of E Main Avenue were determined to remain zoned as CG.

The fourth option available would be to remove all items from the property and replaced with a conforming use or left in a vacant state.

Again, I can appreciate that this is quite a bit of information to process and understand before making a decision. If I can clarify anything or answer any questions, please let me know. Our office will be closed until Monday, July 6, 2026. I will check back with you on Monday to see if you've decided on a path I can work with you on. Please enjoy the 4th of July holiday safely with your family.

Annie Hojian

Code Enforcement Officer

City of Bismarck

Building Inspections
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Bismarck ND, 58506-5503

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5215 E MAIN AVE PHOTO BY CODE ENFORCEMENT OFFICER ANNIE HOJIAN 03/25/2026



VIEW FROM WEST SIDE OF 52ND ST NE LOOKING EAST



5215 E MAIN AVE PHOTO BY CODE ENFORCEMENT OFFICER ANNIE HOJIAN 04/08/2026























5215 E MAIN AVE PHOTO BY CODE ENFORCEMENT OFFICER ANNIE HOJIAN 04/16/2026



SW CORNER OF PROPERTY FACING 52ND
ST NE



SOUTH SIDE OF PROPERTY
CLOSEST TO 52ND ST NE
FACING SOUTH



SOUTH SIDE OF PROPERTY
FACING SOUTH



SOUTH SIDE OF PROPERTY



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PROPERTY
FACING SOUTH



SE CORNER OF
PROPERTY FACING
SE







5215 E MAIN AVE

PHOTOS TAKEN BY INSPECTOR BRAD HAIDER

07/14/2025









DATE: April 20, 2026

CASE NUMBER: CEZO2025-0003

LOCATION: 5215 E MAIN AVE (PARCEL ID: 1100-001-120)

COMPLAINT: CAMPER STORAGE IN CG – COMMERCIAL

COMPLAINT DATE: JULY 14, 2025

VIOLATION: 14-03-07 (13) USE GROUPS (INDUSTRIAL GROUP A)

OFFICER'S NARRATIVE

On 07/14/2025, a complaint was received regarding campers being stored on Lot E of Lot 1, Block 1, Barbie's Neighborhood Subdivision, commonly referred to as 5215 E Main Avenue. This property is zoned CG-Commercial, and storage of items is not an allowable use. No principal building exists on the property, nor has any site plan, stormwater management plan, or landscaping plan been submitted. The parking surface has been elevated from what was there originally, but is a gravel parking surface. This property does have some areas located within the floodway, 100-year flood plain, and the 500-year flood plain. An inspector did visit the property on this date and took photos. The inspector noted campers and boats were parked on the property and he would speak to staff in Building Inspections to determine the next course of action.





A zoning map amendment was previously requested by Thomas Vetter for this property requesting the zoning from CG-Commercial be changed to Conditional MA-Industrial (ZC2024-021). It was denied and the denial letter was sent via certified mail 02/28/2025.

On 03/16/2026, I, Annie Hojian, began my role as Code Enforcement Officer for the City of Bismarck within Building Inspections and began researching open code cases. On 03/25/2026 I visited the property to begin documentation and did take an overall photo of the current state of the property. At the time of my visit, no employee/owner of NoDak Recreation, or any other individual, was present at the location. There are two black enclosed trailers with advertising for NoDak Recreation parked on the NW and NE corner of the parking surface. At this time, there were campers and boats parked on the property. It should be noted that on my commute from my home and work, I do drive past this property. While I cannot accurately attest to what items have been on the property at all times, nor can I accurately attest to driving this route every day, I can state that upon Building Inspections being notified of the violation, there have consistently been campers parked on this property every time I have driven past this property.

On 04/08/2026 I conducted a site visit and did a basic property inventory including the type of item and if available, the make/model. At this time there was an elevated advertising sign

in a metal frame, not anchored into the ground, placed on the SW corner of the property.
No sign permit has been applied for regarding this sign.



VIEW FROM WEST SIDE OF 52ND ST
NE LOOKING EAST







INVENTORY

DATE	ITEM TYPE	BRAND	STYLE	QUANTITY	NOTES	ADVERTISED FOR SALE
4/8/2026	CAMPER	SPORTSTER	5TH WHEEL	1	SOUTH SIDE	
4/8/2026	CAMPER	OPEN RANGE	5TH WHEEL	1	SOUTH SIDE	BISMAN LISTED "2 WEEKS AGO" PER SEARCH 04/20/26
4/8/2026	CAMPER	BIG COUNTRY	5TH WHEEL	1	SOUTH SIDE	
4/8/2026	CAMPER	NORTH RIDGE	5TH WHEEL	1	SOUTH SIDE	BISMAN LISTED "2 WEEKS AGO" PER SEARCH 04/20/26
4/8/2026	CAMPER	MONTANA	5TH WHEEL	1	SOUTH SIDE	
4/8/2026	CAMPER	NOMAD	BUMPER	1	SOUTH SIDE	BISMAN LISTED "2 WEEKS AGO" PER SEARCH 04/20/26
4/8/2026	CAMPER VAN			1	SOUTH SIDE	BISMAN LISTED "2 WEEKS AGO" PER SEARCH 04/20/26
4/8/2026	CAMPER	SUNDANCE	5TH WHEEL	1	SOUTH SIDE	
4/8/2026	CAMPER	WILDCAT	5TH WHEEL	1	SOUTH SIDE	
4/8/2026	TRAILER		PONTOON	1	SOUTH SIDE	
4/8/2026	JET SKI	SEADOO	SINGLE	1	EAST SIDE	
4/8/2026	TRAILER		PONTOON	1	EAST SIDE	
4/8/2026	BOAT		SKI	3	EAST SIDE	
4/8/2026	TRAILER		DUMP	1	EAST SIDE	
4/8/2026	TRAILER		ENCLOSED	1	EAST SIDE	
4/8/2026	VAN			1	EAST SIDE	
4/8/2026	BOAT		PONTOON	2	EAST SIDE	
4/8/2026	CAMPER	MILESTONE	5TH WHEEL	1	NORTH SIDE	
4/8/2026	CAMPER	CHEROKEE	BUMPER	1	NORTH SIDE	
4/8/2026	CAMPER	ATTITUDE	BUMPER	1	NORTH SIDE	
4/8/2026	CAMPER	"NODAK RECREATION"	ENCLOSED	2	NORTH SIDE	

On 04/16/2026 I visited the property again and took photos. At this time, several of the campers parked did have stickers placed on them advertising the year of the camper and the price. The same campers, boats, and trailers were parked in the same spots as the site visit conducted on 04/08/2026. The sign on the SW corner of the lot was still in place. No sign permit application has been submitted between the site visit on 04/08/2026 and the site visit on 04/16/2026.



SW CORNER OF PROPERTY FACING
52ND ST NE



SOUTH SIDE OF PROPERTY CLOSEST TO
52ND ST NE FACING SOUTH

SOUTH SIDE OF PROPERTY

SOUTH SIDE OF PROPERTY FACING SOUTH



SOUTH SIDE OF PROPERTY



SOUTH SIDE OF PROPERTY



SOUTH SIDE OF PROPERTY



SOUTH SIDE OF PROPERTY



SOUTH SIDE OF PROPERTY



SOUTH SIDE OF PROPERTY FACING SOUTH

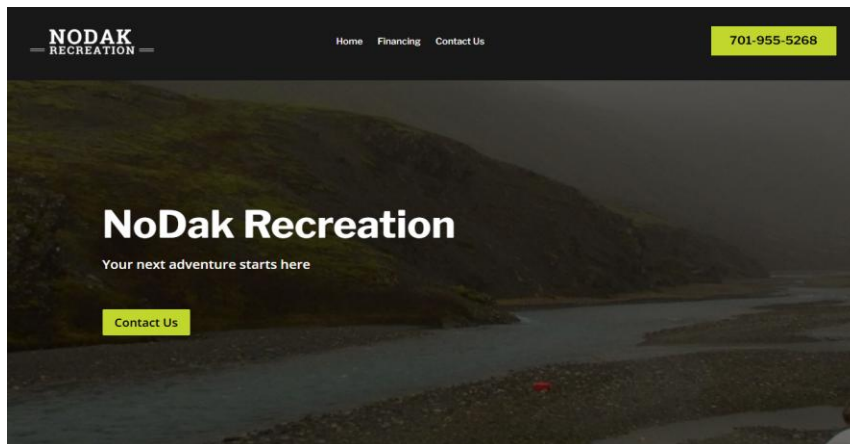


SE CORNER OF PROPERTY FACING SE





NoDak Recreation does have a website, www.nodakrec.com, and upon visiting the website, no available inventory is listed for a potential customer to view. The address indicated on the website shows NoDak Recreation located at 1418 Industrial Drive. This is consistent with information that can be obtained in a Google search. The North Dakota Secretary of State has NoDak Recreation LLC listed as a business, with Noah Hamre as the registered agent, and a physical location of 1429 Burlington Drive #1. Both locations on Industrial Drive and on Burlington Drive are “shop condos” in the MA-Light Industrial zoning district. Each location has limited parking for vehicles and storage for items. Hours listed on the website show business hours as Monday through Friday from 0800 to 1700 hours.



Our Inventory

We have a variety of pre-owned RVs for sale! From travel trailers to fifth wheels, definitely take a look at our current inventory to see what may be a good fit for you.

On 04/17/2026 I called the phone number listed on both enclosed trailers and on the unpermitted advertising sign, (701) 955-5268, and spoke with a gentleman that identified himself as Noah. I explained to Noah who I was and that I was calling regarding the property at 5215 E Main Avenue. I told Noah it appears he has campers, presumably for sale, parked on the location, however his website shows his location at a different address. Noah did state that the information listed on the website is incorrect and his address is 1429 Burlington Drive. I asked Noah if any sales are conducted on the property located at 5215 E Main Avenue. Noah stated no sales are conducted at this property. I asked Noah how a customer would find the items he has available for sale and if any of his inventory is listed on his website. Noah stated that he advertises available items on Facebook and Bisman Online. Potential customers can also call him. I again asked Noah if any sales are conducted at the 5215 E Main Avenue location or if this location is for storage of his inventory only. Noah again confirmed that no sales are conducted at this property and it is for storage of his inventory. Noah stated the property at 5215 E Main Avenue is registered with the North Dakota Department of Transportation (NDDOT) as a “secondary lot” for his dealer’s license. I informed Noah that the property was zoned as CG and as such, cannot be used to store property. I understand that based on the primary location for his business the parking area is not available for his inventory and he needs to store it somewhere. Noah stated prior to purchasing the property, he “talked to four or five people with the City” to ensure the property was zoned for what he wanted to use it for, and he did everything he needed to do. I asked when he purchased the property and Noah was not positive but thought it was May or June of 2025. I also asked if he remembered who he spoke with at the City and when he spoke with them and Noah could not recall.

Per North Dakota Records Information Network (NDRIN), a Warranty Deed was recorded (document #979317) in which Nodak Recreation LLC purchased the property on 06/20/2025.

I spoke to Noah about any signage and stated generally a sign permit would need to be applied for, but I needed to verify what is stated in the ordinance regarding any signs, locations and requirements. Noah stated that for him to be able to register this location as a “secondary lot”, the NDDOT requires a sign to be displayed on the property. Per NDDOT SFN 2932, Application for Dealer’s License, “7. *All secondary lots must be within 5 miles of the established business, display a sign at least 32 sq. ft. in size, contain the name of the dealership in letters at least 10 inches high, and be clearly visible from the street.*”. Also on this same form there are requirements listed that *any new and used motor vehicle, trailer and MPR (motor powered recreation) vehicle dealers must maintain an established place of business and retain all records at that location.* In further research on the NDDOT website regarding the requirements of a dealer’s license, a “Dealer Handbook” was found.

<https://www.dot.nd.gov/sites/www/files/documents/Drivers%20-%20documents/Motor%20Vehicles/dealer-handbook.pdf>

Page 8 of this document is in reference to “Trailer Dealers” requires trailer dealers to *maintain a primary established place of business and all business records must be maintained in one central location. A licensed trailer dealer may establish secondary trailer display lots. Secondary lots must be identified as a part of the licensed dealer’s operation.*

Page 10 of this document is in reference to “Motor-Powered Recreational Vehicle Dealers” and *authorizes the buying, selling, and exchanging of motor-powered recreational vehicles such as; motorcycles, ATV’s, UTV’s, snowmobiles, and unconventional vehicles.* NoDak Recreation does have several watercrafts parked on the property. This document requires a Motor Powered Recreational Dealer to *maintain an established place of business. An established place of business means a permanent enclosed building or structure either owned or leased at which a permanent business of bartering, trading, and selling of motor-powered recreational vehicles, the repair, maintenance, and servicing of motor-powered recreational vehicles and the storage of parts and accessories of such vehicles will be carried out in good faith. The place of business may consist of several buildings or structures, but those buildings or structures may not be located more than 1,000 feet from the central office. The central office must be located within North Dakota.*

Noah did provide an email address of nodakrec@gmail.com for me to send any applicable materials or applications regarding signs. Noah was polite and respectful during our conversation.

END OF REPORT



DATE: June 25, 2026

CASE NUMBER: CEZO2025-0003
LOCATION: 5215 E MAIN AVE (PARCEL ID: 1100-001-120)
COMPLAINT: CAMPER STORAGE IN CG – COMMERCIAL
COMPLAINT DATE: JULY 14, 2025
VIOLATION: 14-03-07 (13) USE GROUPS (INDUSTRIAL GROUP A)

SUPPLEMENT

After my initial conversation with Noah Hamre on April 20, 2026, I, Code Enforcement Officer Annie Hojian, requested an administrative interpretation of Title 14 – Zoning from Daniel Nairn, Planning Director. It appeared the site was being used as storage/display of inventory, with no sales conducted on site. The property is zoned CG – Commercial, and if no retail sales are being conducted at this location, storage is an MA – Industrial use and the property is in violation. If retail sales were to occur on site, the site has not been developed per required design standards and still is in violation.

On April 28, 2026, I did inquire as to the status of the administrative interpretation requested from Daniel Nairn. He was in the process of reviewing City Code of Ordinance and Title 14.

On June 18, 2026, I conducted an internet search of bismarconline.com.

BISMANONLINE.COM/ALPHA_RECREATION is the heading that appeared when searching for NoDak Recreation and finding their page.

bismarconline.com/alpha_recreation

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NoDak Recreation
1418 Industrial Drive
Bismarck, ND
701-955-5268
More Details

Get directions
Visit Our Website
Follow

Any Miles From Bismarck, ND

HOME

Recreational 3

BOATS 1

CAMPERS 2

MOTORHOMES 2

Location

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All Cities

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Pet Giveaways

Want Ads

Trading

NODAK RECREATION
2 days ago

7 Photos

1995 Maxum fish and ski boat

Model 1800XR Has been stored inside its whole life prior to me getting it, it's in very good shape inside and out. All the gel coat is still glossy, not lake stained, Bismarck, ND

\$6,500 Watch

NODAK RECREATION
4 weeks ago

10 Photos

2020 Grand Design Momentum 25G Toy Hauler

Clean and well-designed toy hauler with a spacious layout and plenty of room for your toys and gear. Looks and smells like new!The Momentum 25G features Bismarck, ND

\$31,000 Watch

Home Equity That Works as Hard as You Do

HELLOC FIXED RATES AS LOW AS 6.99% APR

Capital credit union

LifeLock by Norton

The #1 crime in America? Identity theft.

Get protection

53°F Sunny 8:14 AM 6/18/2026

NODAK RECREATION
2 days ago

7 Photos

1995 Maxum fish and ski boat

Model 1800XR Has been stored inside its whole life prior to me getting it, it's in very good shape inside and out. All the gel coat is still glossy, not lake stained, Bismarck, ND

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NODAK RECREATION
4 weeks ago

10 Photos

2020 Grand Design Momentum 25G Toy Hauler

Clean and well-designed toy hauler with a spacious layout and plenty of room for your toys and gear. Looks and smells like new!The Momentum 25G features Bismarck, ND

\$31,000 Watch

NODAK RECREATION

more than 5 weeks ago

10 Photos



2007 Tiffin Phaeton 40QSH

- 350 CAT Diesel, Freightliner chassis, Allison transmission- 93,000 miles. Powered by the reliable 350HP Caterpillar diesel engine and built on a Freightliner chassis

Bismarck, ND

\$62,500



Watch



NODAK RECREATION

more than 5 weeks ago

10 Photos



1986 Winnebago LeSharo camper van

This camper van is in great shape for the age, and it's ready to hit the road and go on some adventures! 80,000 original miles 2.2L gas 4 cyl engine 18-20

Bismarck, ND

\$8,500



Watch



NODAK RECREATION

more than 5 weeks ago

We Buy Used Campers!

Got a camper sitting around that you're no longer using? Turn it into money in your pocket! At NoDak Recreation we're actively buying used RVs, campers, and travel trailers - any make, any model, any condition. Whether it's ready to go or needs a little TLC, we'll make you a fair, no-obligation offer.



Call/Text 701.955.5268

Looking to buy used campers. Please text the number in the photos with pictures and information.

Bismarck, ND



Watch



On June 19, 2026, Daniel Nairn did provide an administrative interpretation zoning ordinance letter.

On June 25, 2026, at approximately 0845 hours I, Code Enforcement Officer Annie Hojian, responded to 5215 E Main Avenue and took basic inventory and photos of property parked at the location. Inventory on the property did not appear to match what is advertised for sale on bismanonline.com. It should be noted seven days elapsed from time of internet search to site visit. At the time of my visit, no employee/owner of NoDak Recreation, or any other individual, was present at the location.

North side: 2007 motorhome, enclosed trailer with NoDak Recreation advertising

East side: pontoon on trailer, white van, black enclosed trailer

South side: silver/black camper van (sold), 5th wheel camper, 2009 5th wheel camper, 2009 bumper pull camper (sold), 2001 bumper pull camper (sold), 2020 bumper pull camper, 2014 5th wheel camper, NoDak Recreation advertising sign



View from NW
corner looking
NE.



View from NW
corner looking
east.



View from west
entry looking
southwest.



View from west
entry looking
south.



View from west entry looking east.



(2) “sold” bumper pull campers on south side.



(2) "sold"
bumper pull
campers on
south side.



View from SE
corner looking
west.



Black/silver
camper van
“sold” and 5th
wheel
camper on
south side.



Black/silver
camper van
“sold” on
south side.



View from
east half of
property
looking NE.

On June 25, 2026, I did meet with Daniel Nairn and Brady Blaskowski, Building Inspections Director, to review this complaint, the administrative interpretation provided by Nairn, possible solutions for Mr. Hamre, and Planning and Building Inspection's process regarding violations and possible appeals.

END OF REPORT



DATE: July 2, 2026

CASE NUMBER: CEZO2025-0003
LOCATION: 5215 E MAIN AVE (PARCEL ID: 1100-001-120)
COMPLAINT: CAMPER STORAGE IN CG – COMMERCIAL
COMPLAINT DATE: JULY 14, 2025
VIOLATION: 14-03-07 (13) USE GROUPS (INDUSTRIAL GROUP A)

SUPPLEMENT

On July 2, 2026, at approximately 1436 hours, I, Code Enforcement Officer Annie Hojian, had a phone conversation with Noah Hamre. I informed him as to the reason for my call and explained since we'd last spoke, an administrative interpretation of zoning ordinance had been issued, and the current use is in violation. During my conversation with Hamre, I explained there may be some potential remedies available to him and after our conversation, I would send an email summarizing those options and our conversation. I was aware there was a lot of information to process and comprehend and explained I wanted to work with him to find a solution. I informed Hamre I'd check in with him the next week, after he'd had some time to think about this, and would be happy to answer any questions he may have so he can make the best-informed decision he can.

I did explain to Hamre he does have the right to an appeal of any administrative interpretation of zoning ordinance to the Board of Adjustment. To exercise this right, an official Notice and Order must be issued listing the violation and a final corrective date for compliance. Once the Notice and Order is issued, Hamre would have 10 days to notify me, or Planning staff, in writing, of his intent to appeal and email is acceptable. A \$250 administrative fee would be due, and the appeal would be heard during the next regularly scheduled Board of Adjustment meeting. Upcoming dates include August 6, 2026, and September 3, 2026. I informed Hamre I would not issue any Notice and Order until he had time to think about his potential options and receive answers to any

questions he may have. Any final corrective action date would be one we have discussed, and both agree upon. During our conversation Hamre was polite and professional.

I did send Hamre an email on July 2, 2026, with four potential remedies to the use group violation and informed him I would check in with him on Monday, July 6, 2026.

1. Exercise his right to appeal to the Board of Adjustment.
2. Amend his motor vehicle dealer's license and have sales occur on this lot, making this an allowable use, and comply with site plan application and development. I did reiterate that I do not have knowledge of any North Dakota Department of Transportation requirements regarding dealer's licenses and referred Hamre to defer to their expertise in this area. I also included information and timelines for site plan applications, as well as a sign permit and commercial building applications.
3. Apply for a zoning map amendment from CG – Commercial to MA – Industrial. I did inform Hamre that a previous request had been denied in February 2025, but the denial had not been appealed to the Bismarck City Commission.
4. Remove all items and leave the property in a vacant state or replace its current use with an allowable use for CG – Commercial zoning.

Between the email I sent on July 2, 2026, and July 10, 2026, several additional emails were exchanged between Hamre. Content included questions regarding approved surfacing materials ("dustless, all-weather, hard surface material"), consistency in enforcement (explained differences in MA and CG zoning, sites developed prior to current standards, sites out of compliance, as well as how complaints and investigations are handled), Hamre's long-term plan to construct a shop building on the property however he had not anticipated doing so for at least another three years, the probability of developing this property in phases, potentially obtaining another parcel to the east of the current property (5319 E Main Ave Parcel ID: 1100-001-090) and how this could be developed (informed him of the difference in 100 year floodplain, 500 year floodplain, and the floodway and provided images from GIS to show the Special Flood Hazard Areas (SFHA)) (suggested he speak with Jenny Wollmuth, Certified Floodplain Manager and Senior Planner, regarding requirements that exist for this area to be developed), clarification on what violation exists for the property based on his response of how he is using it (if sales are conducted on site, it does not meet site development standards [Section 14-03-10 (5) of the City Code of Ordinances (Off-Street Parking and Loading)(Design Standards) and Section 14-03-11 (10) of the City Code of Ordinances (Landscaping and Screening)(Buffer Yards)] and if no sales are conducted on site it is "storage" and a prohibited use in CG [Section 14-04-12 (2) of the City Code of Ordinances (CG – Commercial District)(Uses Permitted) and Section 14-04-14 (2) of the City Code of Ordinances (MA – Industrial District)(Uses Permitted)]), and suggested a pre-app meeting

be scheduled if he was thinking of submitting an application for site plan development so a lot of his questions could be answered by Planning staff. I did offer to communicate with Hamre in whichever form was more convenient for him, email, phone or in person. Hamre did request an in-person meeting, and it was scheduled for Monday, July 13, 2026, at 0900 hours.

END OF REPORT



DATE: July 14, 2026

CASE NUMBER: CEZO2025-0003
LOCATION: 5215 E MAIN AVENUE (PARCEL ID: 1100-001-120)
COMPLAINT: CAMPER STORAGE IN CG – COMMERCIAL
COMPLAINT DATE: JULY 14, 2025
VIOLATION: 14-03-07 (13) USE GROUPS (INDUSTRIAL GROUP A)

SUPPLEMENT

On July 13, 2026, at approximately 0900 hours, I, Code Enforcement Officer Annie Hojian met with Noah Hamre in my office located at 221 N 5th St. Hamre was polite and professional during our meeting.

Hamre had several questions regarding site plan application, commercial building plans, development requirements and the adjacent property to the east of his (5319 Main Avenue Parcel ID: 1100-001-0900), storage of campers for the “off-season”, his ability to utilize either Title 14 or the Land Development Code that will take effect October 1, 2026 for site plan development requirements, The Board of Adjustment’s role in hearing variance requests as well as appeals, and I reiterated his right to an appeal upon a Notice and Order being issued and when this will occur. At the time of our meeting, Hamre relayed his meeting was scheduled for Wednesday at 10:00 a.m. Due to this, Hamre and I both agreed to attend the pre app meeting for his questions to be answered and then discuss a reasonable time frame for removing items from the property. During our meeting Hamre also relayed he felt there was a disconnect between State requirements and City requirements and that the agencies, in particular the North Dakota Department of Transportation (NDDOT) and City of Bismarck were not working together. I did inform Hamre I was willing to reach out to NDDOT to see how/if this could be corrected in the future but could not promise any results. Upon the conclusion of our meeting, I informed Hamre I would send him an email summary of our meeting, along with answers to as many of Hamre’s questions that I could.

After Hamre left, I did reach out to NDDOT and spoke with Thomas at Dealer Services. I explained the reason for my call and asked for some education and clarification regarding NDDOT requirements of dealer's sales primary and secondary lots. Thomas informed me per North Dakota Century Code 39-22, a primary sales lot is required to have a commercial building on it at least 250 square feet in size, as well as meet all local jurisdictional requirements. He further informed me that a secondary lot can have no sales conducted on it and it is used only for the storage and display of inventory. I explained to Thomas in this particular situation it appears this dealer will be in violation with the City if he follows NDDOT requirements regarding his dealer's license and if he follows City requirements, he will be in violation of NDDOT requirements. For this property to be an allowable use, for the sale of vehicles, it must be a developed primary sales lot with a building and sales actively occurring on the property to be in compliance with both City and NDDOT requirements.

After my conversation with Thomas, I drafted an email to Hamre with a summary of our meeting and also my phone call with NDDOT. Due to the NDDOT requirements regarding his dealer's license, I proposed to Hamre that the violation be MA use in CG zoning. This would allow him to continue with sales at his primary location on Burlington Drive and not affect his dealer's license. Due to this use being prohibited, the way to correct the violation would be to remove all items from the property. He may then apply for site plan development and comply with all requirements. A final corrective date was agreed upon and a Notice and Order was issued. The Notice and Order was sent to Hamre via email as well as certified mail to his home address. Digital copies were forwarded to the City Attorney, Building Inspections and Planning Directors, Senior Planner and the NDDOT. I again notified Hamre of his right to an appeal and the steps he would need to take to exercise that right.

END OF REPORT



DATE: July 17, 2026

CASE NUMBER: CEZO2025-0003

LOCATION: 5215 E MAIN AVENUE (PARCEL ID: 1100-001-120)

COMPLAINT: CAMPER STORAGE IN CG – COMMERCIAL

COMPLAINT DATE: JULY 14, 2025

VIOLATION: 14-03-07 (13) USE GROUPS (INDUSTRIAL GROUP A)

SUPPLEMENT

On July 17, 2026, I, Code Enforcement Officer Annie Hojian, did respond to the location to obtain photographs of the items currently stored on the property. At the time of my visit, no employee/owner of NoDak Recreation, or any other individual, was present at the location. It should be noted that while driving by the property in the evening, on my personal time enroute to unrelated activities on July 15, 2026, I did notice additional campers had been parked on the property. A Notice and Order was issued July 13, 2026, stating the property (CG – Commercial) cannot be used for storage of items/inventory and items would need to be removed to bring the property into compliance.



Six campers parked on south side of property as of photo July 17, 2026.



Three campers parked on southeast side of property as of photo July 17, 2026.

*NOTE: Unit farthest east on south side has a "SOLD" sign on windshield".

Van and trailer parked on east side of property as of photo July 17, 2026.



Three campers parked on southeast side of property as of photo July 17, 2026.

*NOTE: Unit farthest east on south side has a “SOLD” sign on windshield”.



One recreational vehicle parked on north side of property as of photo July 17, 2026.

END OF REPORT



DATE: July 20, 2026

CASE NUMBER: CEZO2025-0003
LOCATION: 5215 E MAIN AVE (PARCEL ID: 1100-001-120)
COMPLAINT: CAMPER STORAGE IN CG – COMMERCIAL
COMPLAINT DATE: JULY 14, 2025
VIOLATION: 14-03-07 (13) USE GROUPS (INDUSTRIAL GROUP A)

SUPPLEMENT

On July 20, 2026, at approximately 1330 hours, Noah Hamre met with several staff members of City of Bismarck regarding the property located at 5215 E Main Ave to discuss requirements of site development as Hamre requested. Hamre was accompanied by attorney Fintan Dooley. Staff members present were Brady Blaskowski-Building Inspections Director, Kelly Unger-Commercial Plans Examiner, Jenny Wollmuth-Senior Planner, Mike Greer-Design & Construction Engineer, and myself, Code Enforcement Officer Annie Hojian.

During this meeting, several topics were discussed regarding requirements to develop this site, zoned CG – Commercial, to meet City ordinance as well as Hamre’s potential plans regarding his business. It was stated several times, as I have also discussed with Hamre previously, for this to be utilized as a “retail group B”, which is allowable in CG – Commercial zoning, sales of merchandise must be conducted at the site. Currently, while merchandise is displayed and stored at this location, no retail sales are conducted at this site. No structure exists for employees to utilize or customers to enter to make inquiries or a potential purchase.

Hamre stated he had spoken with an engineer to assist him with creating a site plan and submittal of the application for this. It was determined through professional contacts, the engineer Hamre stated he had spoken with is a structural engineer and staff encouraged him to reach out to a civil

engineer to assist him with this process. Hamre explained he intends to continue to utilize this site for his business and is interested in working with the City for development. Hamre expressed frustration with feeling as though NDDOT and City of Bismarck requirements do not align with each other. While I can certainly appreciate his frustration, I reiterated to Hamre I cannot enforce any NDDOT requirements and any approvals from the City are based on our ordinance and requirements only. I am authorized to act as the City's agent and enforce City of Bismarck ordinances in Title 4 (Building) and Title 14 (Zoning).

Hamre would like to construct a commercial building to meet requirements of the North Dakota Department of Transportation (NDDOT) regarding a permanent enclosed building of at least 250 square feet. Hamre stated he has spoken with Thomas, Dealer Services NDDOT, and relayed NDDOT told him a temporary structure was allowable during site development. A temporary structure would still require a commercial building permit, must meet all design and building requirements, and is subject to ADA requirements. When asked what his intended business hours would be, Hamre replied he intends to be open and available for customers Monday-Friday from 8:00 a.m. – 5:00 p.m., breaking for lunch, and may possibly have one employee in addition to himself. In the future, Hamre would like to provide camper and RV service, including dumping waste holding tanks, as well as provide rental units. This property is not currently established for city sanitary sewer services, and it may be some time before this occurs. Hamre may choose to obtain these services, at his expense, with the nearest point being Tandem Drive, approximately one mile away, or he may install his own septic system with holding tanks. The tank system would need to be monitored for capacity and emptied as needed, which would accrue additional ongoing operating costs for him. A review of the septic system design and a permit would be required. This property is located within the Special Flood Hazard Area (SFHA) and there are some requirements regarding the mitigation of wetlands and stormwater. It may be that additional land, and/or "credits" would need to be purchased to meet these requirements. These would require review and approval. Hamre stated he may be interested in purchasing the parcel adjacent to this property on the east side. Greer did provide Hamre with information on file from previous inquiries/requests. The property would also need an all-weather, dustless, hard surface material and meet buffer yard and landscaping requirements. Any advertising signs would require review and sign permits. There are several factors to consider regarding development of the property, however if Hamre would like to pursue development of the site, it is certainly possible. The notice and order dated July 13, 2026, states all items are to be removed by October 11, 2026 (90 days) and this order stands.

It was reiterated to Hamre while he may feel the City is focusing directly on his business, this is not a personal action towards him or his business. The City received a complaint and due to this, it was investigated and determined the property was in violation of ordinance. My position is to notify property owners of any violations and work with them to obtain compliance with City

ordinance(s). Dooley asked for clarification of Board of Adjustment meeting schedules and appeals filed, in particular, if Hamre would be eligible to have his appeal heard September 3rd rather than August 6th to allow him additional time to adequately prepare. I informed Dooley while I was not positive, I would speak with the Planning Director for clarification as it is my understanding the appeal is scheduled for the next available meeting date, which in this case would be August 6th. It is a reasonable request to ask for additional time to contact design professionals to adequately prepare and attend the September 3rd meeting instead. The meeting concluded.

END OF REPORT



DATE: August 4, 2026

CASE NUMBER: CEZO2025-0003

LOCATION: 5215 E MAIN AVE (PARCEL ID: 1100-001-120)

COMPLAINT: CAMPER STORAGE IN CG – COMMERCIAL

COMPLAINT DATE: JULY 14, 2025

VIOLATION: 14-03-07 (13) USE GROUPS (INDUSTRIAL GROUP A)

SUPPLEMENT

Update for items stored/displayed as of August 4, 2026 at 5215 E Main Avenue.

North: RV and enclosed NoDak Recreation trailer

East: van and enclosed trailer

South: (East) three campers, (West) six campers, NoDak Recreation sign



END OF SUPPLEMENT



DATE: August 21, 2026

CASE NUMBER: CEZO2025-0003

LOCATION: 5215 E MAIN AVE (PARCEL ID: 1100-001-120)

COMPLAINT: CAMPER STORAGE IN CG – COMMERCIAL

COMPLAINT DATE: JULY 14, 2025

VIOLATION: 14-03-07 (13) USE GROUPS (INDUSTRIAL GROUP A)

SUPPLEMENT

On August 21, 2026, at approximately 1220 hours I, Code Enforcement Officer Annie Hojian, responded to the primary location of NoDak Recreation at 1429 Burlington Drive #1. At the time of my visit, it was noted a sign advertising the business, similar to the sign placed at the property located at 5215 E Main Avenue, was located facing parallel Burlington Drive. This sign is not anchored, nor has any permit been applied for or approved. The location, 1429 Burlington Drive #1, was permitted as an S-1 storage facility with permit BCOM2018-0284. The Certificate of Occupancy (CO) was issued on October 11, 2021. This property is zoned MA – Industrial. No change of occupancy has been received regarding this location/business since the CO has been issued. At the time of my visit, no employee/owner of NoDak Recreation, or any other individual, appeared to be on site. I did not attempt entry to the business. A sign located on the entry door to #1 indicating this to be NoDak Recreation included the business hours as “Monday-Friday by appointment only”. No campers or RVs were observed parked near this business.

THIS SPACE LEFT INTENTIONALLY BLANK



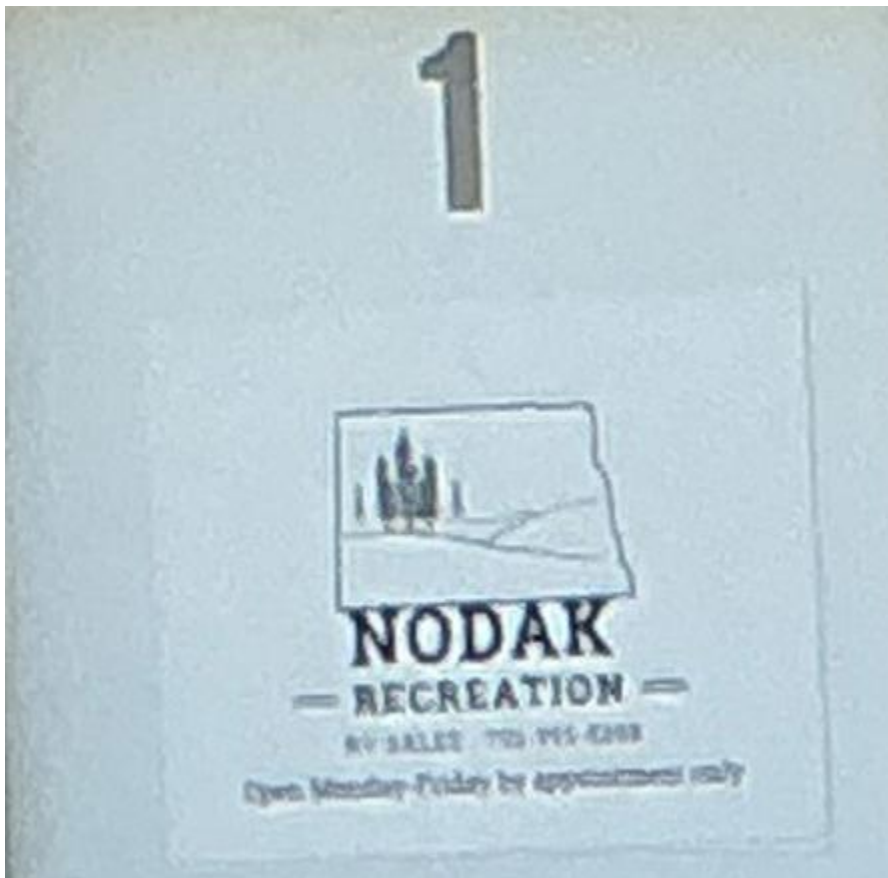
View from
Burlington Drive of
1429 Burlington
Drive #1.



1429 Burlington Dr.
#1



1429 Burlington Dr.
#1



Sign on door of 1429 Burlington
Dr. #1

NODAK RECREATION

RV SALES

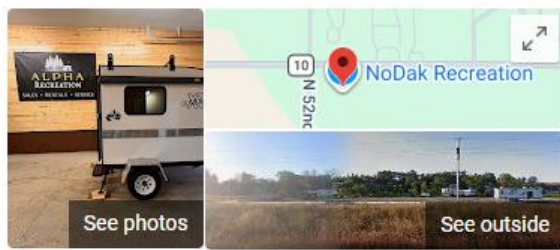
"Monday-Friday by
appointment only"



Parking area
between building
and Burlington Dr.

A Google search of NoDak Recreation conducted at approximately 1617 hours on August 21, 2026, shows the listed location of the business to be 5215 E Main Avenue with the listed operating hours as Monday-Friday 7am-5pm and Saturday 8am-5pm.

THIS SPACE LEFT INTENTIONALLY BLANK



NoDak Recreation

4.7 ★★★★★ 23 Google reviews

RV dealer in Bismarck, North Dakota



Address: 5215 E Main Ave, Bismarck, ND 58501

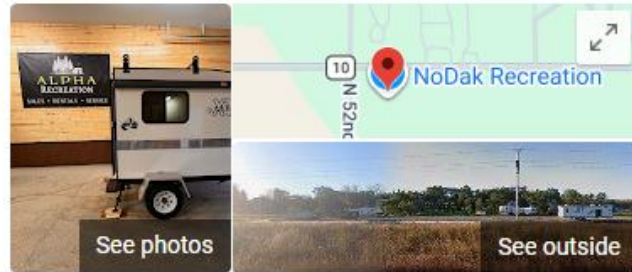
Phone: (701) 955-5268

Hours: Closes soon · 5 PM · Opens 8 AM Sat

[Suggest an edit](#) · [Own this business?](#)

From NoDak Recreation

"Located in Bismarck, ND. We specialize in quality, used RVs including travel trailers, fifth wheels, and motorhomes and camper vans. We are here to help you find the right RV for your next adventure!"



NoDak Recreation

4.7 ★★★★★ 23 Google reviews

RV dealer in Bismarck, North Dakota



Address: 5215 E Main Ave, Bismarck, ND 58501

Phone: (701) 955-5268

Hours: Friday	7 AM–5 PM
Saturday	8 AM–5 PM
Sunday	Closed
Monday	7 AM–5 PM
Tuesday	7 AM–5 PM
Wednesday	7 AM–5 PM
Thursday	7 AM–5 PM

I also responded to 5215 E Main Avenue to document the current inventory and conditions of the location and any potential progress towards site development. It should be noted a site plan application has not been submitted. At the time of my visit, no employee/owner of NoDak Recreation, or any other individual, was present at the location. Upon all of my visits to the property and anytime I have driven by this location for any other reason (professional or personal) I have not observed any individual(s) on site.

A sign advertising the Board of Adjustment meeting date on September 3, 2026, at 5:00 pm in reference to the appeal of the Notice and Order issued July 13, 2026, was also placed on the property at the entrance/exit to the site on the southwest corner.

At the time of my visit, a total of three enclosed trailers, two with NoDak Recreation advertising, one van, three bumper pull campers, seven fifth wheel campers, and one RV were located on the property, for a total of 14 items. The sign located at the entrance/exit on the southwest side of the property is still in place. This sign is unpermitted and is not securely anchored in place. In several areas of the lot surface ruts and depressions could be easily seen. On the south side of the

property, it appears a tire depression blends into a washout leading to the south wetland area under/behind a camper parked there (advertised as “2011 \$8500”). Along the north, east, and south sides of the property there are areas where a silt fence has been installed, however several areas have “washed out” since the installation. It would appear to the common person no improvements have been made to this site, as well as some deterioration, since NoDak Recreation purchased it and began parking their inventory on this location.



Notification of Board of Adjustment Meeting regarding appeal of the Notice and Order issued. Placed at entrance/exit on southwest corner of property.



View from
entrance/exit
facing east.



View from
entrance/exit of
property facing
northwest.



View from
entrance/exit of
property facing
west towards 52nd
St.



View from NW
corner of
“developed”
property facing
east. North side of
NoDak Recreation
parked at
entrance/exit of
property.



View from north side of “developed” property facing east, slightly west of NoDak Recreation trailer parked at NW corner of entrance/exit of property.



View from north side of “developed” property facing east, slightly west of RV parked on north side, middle, of the property.



South side of property, closer to west side, facing south.



View facing east from west side of property.



View facing
east from
middle of
property.



View from NE
corner of
“developed”
property facing
south.



View from west
side of property
facing SE.



View from SE
corner of
property facing
NW.



View from SE
corner of
property
facing north.



View from SE
corner of property
facing west.



View from south side of property, slightly west of SE corner, facing east.



View from south side of property, approximately middle, facing north.



View from north of campers parked on the south side of the property, closer to the west, facing south. Note tire depression on left side of area under “2011 \$8500”.



View under the rear of “2011 \$8500” facing southwest.

*Note: tire depression in previous photo leads to this “washout”.



View from south side of property, middle, looking west.



View from SE corner, west of campers parked on south side, facing NW.



View from south side of property, middle, facing NW.



View from south side of property, middle, facing NW.

*closer view of ruts/tire depressions



View from west of campers parked on south side of property facing SW.



View from SW side of property facing south.



View from SW side of property, in rear of campers parked, facing east.



View of SW side of property facing west.



View from SW
side of property
facing west.



Tire depressions
on property.



SW side of
property facing
west.



SW side of
property facing
west.



SW corner of
property facing
SW towards 52nd
St.



View from
entrance/exit of
property facing
north.

END OF REPORT



DATE: August 24, 2026

CASE NUMBER: CEZO2025-0003
LOCATION: 5215 E MAIN AVE (PARCEL ID: 1100-001-120)
COMPLAINT: CAMPER STORAGE IN CG – COMMERCIAL
COMPLAINT DATE: JULY 14, 2025
VIOLATION: 14-03-07 (13) USE GROUPS (INDUSTRIAL GROUP A)

SUPPLEMENT

As of today's date, August 24, 2026, no site plan application or any permit applications have been received by Planning or Building Inspections.

In previous conversations with Noah Hamre regarding how he advertises items for sale for NoDak Recreation, Hamre stated he advertises on Facebook and BisManOnline.

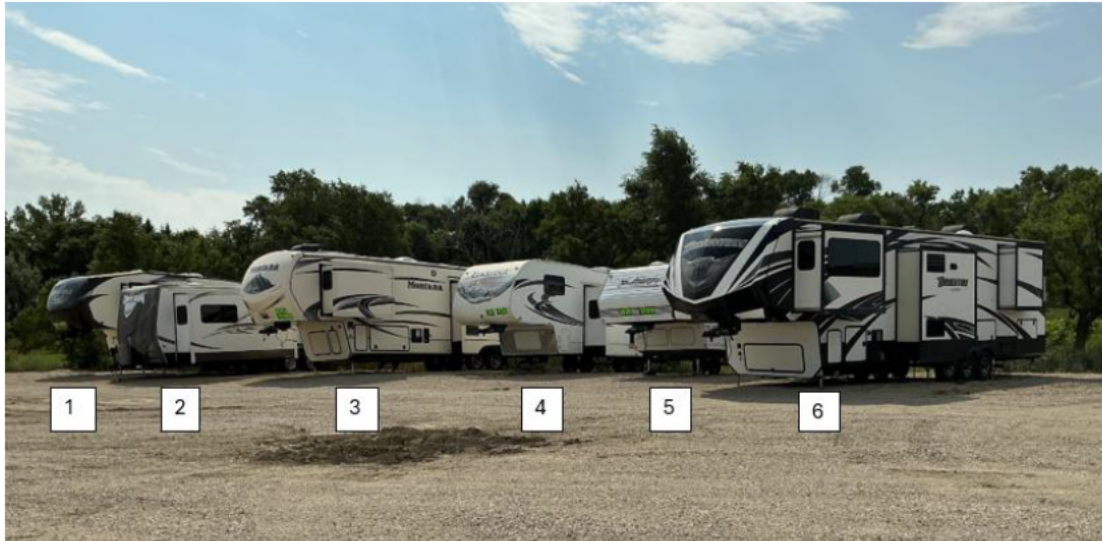
On 08/24/2026 at approximately 1600 hours, I, Code Enforcement Officer Annie Hojian, conducted a Google search for "NoDak Recreation". Search results did yield a result for BisManOnline.



NoDak Recreation

NODAK RECREATION. Bismarck, ND. \$47,500. 8 Photos · 2017 Grand Design ... Bismarck, ND. more than 5 weeks ago. \$8,500. 9 Photos · 2011 Heartland Eldridge ... [Read more](#)

Upon opening this result, https://www.bismanonline.com/alpha_recreation, it was found a total of six recreational vehicles are listed for sale (five campers and one motorhome) per BisManOnline site information.



Campers parked on south side of property.

NoDak Recreation
1418 Industrial Drive
Bismarck , ND
701-955-5268
[More Details](#)

[Get directions](#)
[Visit Our Website](#)
[Follow](#)

Any Miles From Bismarck, ND ▾

HOME

Recreational 6
 CAMPERS 5
 MOTORHOMES 1

Location

[Apply](#)

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 Free / Giveaway Items
 Pet Giveaways

NODAK RECREATION
4 days ago

2000 Thor wanderer

Here's a nice, older, super clean fifth wheel Power front jacks One small slide (not out in photos) Good tires 25 feet long Model 240RK 4,500 lb dry weight - easily half Bismarck, ND

\$3,500
♥
Watch

NODAK RECREATION
4 days ago

2014 Heartland ElkRidge 29RKSA Fifth Wheel -

Very clean 2014 Heartland ElkRidge 29RKSA fifth wheel! This is a well-built, higher-end fifth wheel with a spacious rear-kitchen floorplan and tons of Bismarck, ND

\$15,500
♥
Watch

Corresponds to "5".

Corresponds to "1".

NODAK RECREATION

4 days ago



2015 Montana fifth wheel

Model 3610RL 38 feet long
Three slide outs 12,400 lbs dry
weight 6 point auto level hydraulic jacks 2 ac units
Supper clean and nice inside and out, lots of storage
Bismarck, ND



\$27,000



Watch

Corresponds to
“3”.

NODAK RECREATION

5 days ago



2017 Grand Design Momentum 376TH Toy Hauler

Very nice and clean for its age, and everything works as
it should. This luxury fifth-wheel toy hauler features a
spacious front living room, center kitchen,
Bismarck, ND



\$47,500



Watch

Corresponds
to “6”.

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NODAK RECREATION

6 days ago

9 Photos



2011 Heartland Eldridge Bunkhouse

Model 26BH 26 feet long
Weights 6500 lbs dry (easily half ton towable) Sleeps 7-8
Good tires Lots of storage room The couch does have some wear and there is
Bismarck, ND



\$7,200



Watch

Corresponds to "4".

NODAK RECREATION

2 weeks ago

10 Photos



2007 Tiffin Phaeton 40QSH

- 350 CAT Diesel, Freightliner chassis, Allison transmission-
93,000 miles. Powered by the reliable 350HP Caterpillar diesel engine and built on a Freightliner chassis
Bismarck, ND



\$50,000



Watch

RV parked on north side of property.

Not listed is "2" of group of six campers parked on south side of property. Also not listed are the group of three campers parked on the SE side of the property, as well as the unmarked enclosed trailer, van, and bumper pull camper on the east side of the property.



Both the enclosed trailer parked on the east side of the property as well as the enclosed trailer parked on the NW corner of the property near the entrance/exit have advertising for NoDak Recreation and it is assumed these are business assets and not for sale.

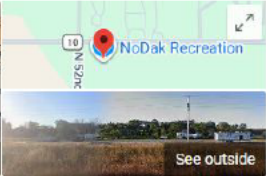
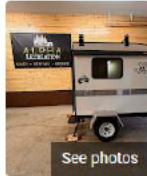


Search results for NoDak Recreation yielded their website, <https://nodakrec.com>, with no inventory listed under “Our Inventory”. The address on the website lists the primary location of 1429 Burlington Dr #1, however, the Google information lists the location as 5215 E Main Ave.



Our Inventory

We have a variety of pre-owned RVs for sale! From travel trailers to fifth wheels, definitely take a look at our current inventory to see what may be a good fit for you.



NoDak Recreation

4.7 ★★★★★ 23 Google reviews
RV dealer in Bismarck, North Dakota

[Website](#) [Directions](#) +4

Address: 5215 E Main Ave, Bismarck, ND 58501
Phone: (701) 955-5268
Hours: Closes soon · 5 PM · Opens 7 AM Tue
[Suggest an edit](#) · [Own this business?](#)

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Located at 1429 Burlington Dr, Bismarck, ND 58501



Contact Information

701-955-5268
nodakrec@gmail.com

Useful Links

Home
Financing
Contact Us

Business Hours

Sunday: Closed
Monday: 8AM-5PM
Tuesday: 8AM-5PM
Wednesday: 8AM-5PM
Thursday: 8AM-5PM
Friday: 8AM-5PM
Saturday: Closed

Connect With Us



701-955-5268

A search on Facebook for NoDak Recreation returns:

Pages



NoDak Recreation
Sports & Recreation · 3.8 mi · 5215 E Main Ave (secondary inventory Lot)
1429 Burlington drive (main office location), Bismarck, ND · **Always open** · ...
Located in Bismarck, ND. We specialize in quality, used RVs including travel trailers,
fifth wheels, motorhomes and camper vans. We are here to help you find the right R...

Follow



NodakAngler
Recreation & sports website · 9.4K followers
A community of North Dakota anglers & outdoors enthusiasts.
<https://NodakAngler.com>

Follow



Gambler 500 NoDak
Sports & Recreation · \$ · Watford City, ND · **Always open** · 625 followers
We take \$500 vehicles on 500 mile expeditions to clean up trash.

Follow

See all

The last post on their Facebook page is dated August 5, 2025.

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6 of 7

Page 158 of 167

facebook.com/alpharecreationnd

Bismarck, ND - Offic...
eTRAKIT
Community Develo...
Community Develo...
Search | North Dako...
Burleigh County
PLANNING ACTIVITI...
TABLE OF CONTENTS
PAYMENTUS GIS/Z...
Adobe Acr

facebook


NoDak Recreation
784 followers • 0 following

Located in Bismarck, ND. We specialize in quality, used RVs including travel trailers, fifth wheels, motorhomes and camper vans. We are here to help you find the right RV for your next adventure!

■ Sports & recreation

Message
Follow
Search

All
About
Followers
Photos
Mentions
More

Details

- Always open
- 5215 E Main Ave (secondary inventory Lot) 1429 Burlington drive (main office location), Bismarck, ND, United States, 58501
- North Dakota - Bismarck, ND

Links

- nodakrec.com

Contact info

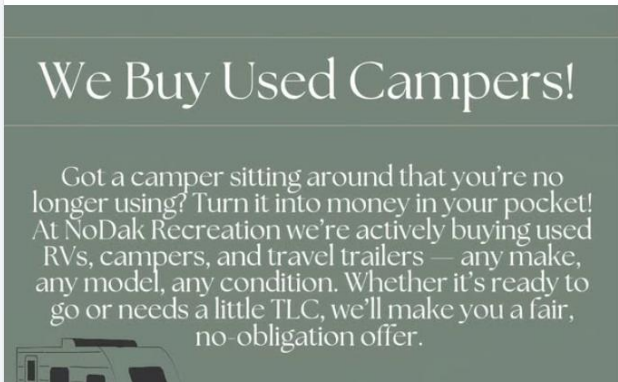
- (701) 955-5268
- nodakrec@gmail.com
- NoDak Recreation

Photos
[See all photos](#)

Posts
[Filters](#)


NoDak Recreation
August 5, 2025 ·

Did you know we will buy your used camper? 📷



END OF REPORT



Fintan L. Dooley, ND Bar 03270

140 Riverside Park Road
Bismarck, ND 58504

414-731-0520
findooley@gmail.com

Constitutional Law - Natural Resources - Oil & Gas

**Jennifer Clark, Chair
Bismarck Board of Adjustment**

August 13, 2026

**Daniel Nairn, Planning Director
City of Bismarck Planning Department**

**x Jenny Wollmuth, Board of Adjustment Staff Contact
City of Bismarck Planning Department
221 North Fifth Street
Bismarck, North Dakota 58501**

Copy: Zoning Administrator, City of Bismarck

**Re: Noah Hamre / NoDak Recreation LLC
September 3, 2026, Board of Adjustment Hearing
Appeal, Ordinance Interpretation, Alternative Variance Relief, and Governing
Ordinance**

Dear Chair Clark, Mr. Nairn, and Ms. Wollmuth:

I represent Noah Hamre and NoDak Recreation LLC. This letter supplements the existing appeal and is intended to clarify the issues to be presented to the Board of Adjustment, preserve alternative variance relief, and assure that all procedural requirements are satisfied before the September 3 hearing.

1. APPEAL AND INTERPRETATION ARE THE PRIMARY ISSUES

Mr. Hamre's primary contention is that the City's classification and resulting removal requirement are incorrect under the presently effective Title 14.

Title 14 expressly identifies "Trailer sales" as a typical Retail Group B use. Section 14-03-07 further recognizes that Retail Group B merchandise may characteristically be stored or displayed outside a building. The CG Commercial District expressly permits Retail Group B uses. Bismarck City Code §§ 14-03-07(3) and 14-04-12(2)(i). ([Bismarck Official Website](#))

Accordingly, Mr. Hamre asks the Board first to determine whether the trailers located on his commercial property constitute merchandise displayed for sale as part of a lawful trailer-sales business, rather than prohibited outdoor storage.

The Board possesses express authority on appeal to decide questions concerning interpretation of Title 14 and to reverse, affirm, or modify the administrative determination. Bismarck City Code § 14-06-02(1). ([Bismarck Official Website](#))

Mr. Hamre is not asking the Board to authorize a "Variant Land Use" or otherwise amend the zoning ordinance. That characterization is withdrawn. The Board itself is prohibited from accomplishing an amendment of the zoning ordinance through a variance. Bismarck City Code § 14-06-02. ([Bismarck Official Website](#))

His position is instead:

The trailer-sales use is lawful under the existing ordinance; alternatively, particular requirements applied to this uniquely situated property should be varied or modified to the minimum extent authorized by the ordinance.

2. PLEASE CONFIRM THAT THE APPEAL HAS BEEN PROPERLY PERFECTED AND THAT THE STATUTORY STAY IS IN EFFECT

Title 14 provides that an appeal is taken by filing the notice of appeal with both the Zoning Administrator and the Board of Adjustment at the Community Development Department.

It further provides that an appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies that a stay would cause imminent peril to life or property. Bismarck City Code § 14-06-03(1). ([Bismarck Official Website](#))

North Dakota law provides the same protection. N.D.C.C. § 40-47-10.

Because the September 3 proceeding has been scheduled as Mr. Hamre's appeal, please confirm in writing:

1. That the appeal has been received and filed in the manner required by § 14-06-03;
2. That the City recognizes the resulting stay of enforcement of the appealed removal requirement; and
3. That no certification of imminent peril to life or property has been issued.

Mr. Hamre proceeds on the understanding that the removal requirement is stayed during the properly pending appeal.

3. VARIANCE RELIEF IS REQUESTED ONLY IN THE ALTERNATIVE

Without abandoning the appeal or conceding that a variance is necessary, Mr. Hamre also wishes to preserve and properly present alternative variance relief.

The variance would be based upon the physical and topographical circumstances of this particular parcel, including its unusual shape, slope, drainage, roadside relationship, cattail area, and other existing land characteristics.

The present ordinance permits adjustment where an exceptionally irregular, narrow, shallow, steep, or otherwise exceptional physical or topographical condition makes strict application unnecessarily harsh. Bismarck City Code § 14-06-02(2). ([Bismarck Official Website](#))

Mr. Hamre will address each required element:

- a. Peculiar property conditions.

The physical and topographical circumstances are peculiar to this parcel and are not generally shared by surrounding properties.

b. No applicant-created hardship.

The material physical circumstances relied upon existed independently of any act by Mr. Hamre after adoption of the ordinance. The present ordinance expressly requires consideration of whether the conditions resulted from an act of the applicant. ([Bismarck Official Website](#))

c. Reasonable use and minimum relief.

Strict application of the requirements asserted by the City would substantially interfere with reasonable commercial use of the property, and any variance requested will be limited to the minimum relief necessary.

d. Harmony with the ordinance and protection of the neighborhood and public welfare.

Mr. Hamre will present evidence concerning screening, vegetation, fencing, drainage, access control, highway relationship, and the absence of material injury to adjoining property.

The circumstances of adjoining property are relevant for these purposes—compatibility, safety, screening, drainage, and public welfare—not as a request that a neighbor determine the permissible use of Mr. Hamre’s property.

4. THE PROPOSED 22-MONTH PERIOD SHOULD BE CONSIDERED PRINCIPALLY AS A REASONABLE COMPLIANCE PERIOD

Mr. Hamre does not rely principally upon his finances as the hardship supporting a variance.

The proposed 22-month period instead bears directly upon the City’s express obligation, when ordering correction of a zoning violation, to allow “a reasonable amount of time” for compliance. Bismarck City Code § 14-05-03.1. ([Bismarck Official Website](#))

Mr. Hamre proposes a staged improvement program addressing the physical and regulatory requirements of the site, including hard surfacing, drainage, access, screening, fencing, and an ADA-compliant business facility.

The evidence at hearing can establish why approximately 22 months is objectively reasonable for completing those improvements without unnecessarily destroying an operating young family business during the construction and compliance process.

5. NO ELECTION OF THE NEW LAND DEVELOPMENT CODE IS MADE BY THIS LETTER

The City states that existing Title 14 remains effective until October 1, 2026, and that an applicant may request early use of the newly adopted Land Development Code before that date. ([Bismarck Official Website](#))

The new Code contains provisions highly relevant to the interpretation issue before the Board.

It expressly defines Vehicle Sales to include retail sales of trailers and recreational vehicles. Land Development Code § 14-10-04.9. d. ([Bismarck Official Website](#))

It also expressly excludes from Outdoor Storage the display of vehicles or equipment for sale in a sales lot. Land Development Code § 14-10-07.13. ([Bismarck Official Website](#))

Those provisions strongly reinforce the distinction between merchandise displayed for sale and property merely being stored.

The new Code, however, also provides that vehicles offered for sale must be parked on a hard-surfaced lot. ([Bismarck Official Website](#))

For that reason, Mr. Hamre does not presently elect the new Land Development Code.

Before making such an election, we request that Planning staff identify in writing the requirements that would immediately apply to this property under the new Code so that those requirements can be compared with the requirements applicable under existing Title 14.

The new Code may be useful interpretive evidence without an immediate election to be governed by every one of its provisions.

6. A SEPARATE FORMAL VARIANCE APPLICATION AND FEE SHOULD BE ACCEPTED WITHOUT PREJUDICE TO THE PENDING APPEAL

This letter is not intended to substitute for any formal variance application required by the City.

The City's published variance procedure presently calls for a signed Unified Development Application, application fee, written statement of hardship, and site plan. The published 2026 variance fee is \$550. ([Bismarck Official Website](#))

Mr. Hamre will file the separate variance application and tender the \$550 fee so that there can be no procedural uncertainty concerning his alternative request for relief.

The City's published schedule lists August 10, 2026, as the regular application deadline for the September 3 Board of Adjustment meeting. ([Bismarck Official Website](#))

Because the alternative variance issue has now been expressly raised while the underlying appeal remains pending, please advise immediately whether the City will:

1. Accept the separate variance application and fee for consideration together with the September 3 appeal;
2. Treat the variance request as supplemental alternative relief arising from the pending appeal; or
3. Require the formal variance request to be separately docketed for the earliest available Board hearing.

If separate scheduling is required, Mr. Hamre expressly requests that doing so not delay, waive, moot, or otherwise prejudice the September 3 appeal or the statutory stay associated with that appeal.

7. REQUEST FOR CONFIRMATION

Before the September 3 hearing, please confirm:

1. That Mr. Hamre's appeal has been properly filed with the Zoning Administrator and Board of Adjustment;
2. That enforcement of the appealed removal requirement is stayed absent the required imminent-peril certification;
3. The procedure for immediate filing and payment of the separate variance application;
4. Whether that alternative variance request can be considered September 3 or must receive a separate hearing date; and
5. That no election to proceed under the new Land Development Code will be attributed to Mr. Hamre unless he affirmatively makes that election.

Mr. Hamre seeks an orderly proceeding in which the Board first determines the proper classification and interpretation of his lawful trailer-sales activity and considers variance relief only if such relief proves necessary.

Sincerely,

A handwritten signature in dark ink, appearing to read "Frit L. Drey". The signature is fluid and cursive, with the first name "Frit" and last name "Drey" clearly distinguishable.

Attorney for Noah Hamre and NoDak Recreation LLC



Zoning and Plan Reference Map

APPL2026-001

NOTICE AND ORDER APPEAL

Label: LDC Zoning (Old Zoning)

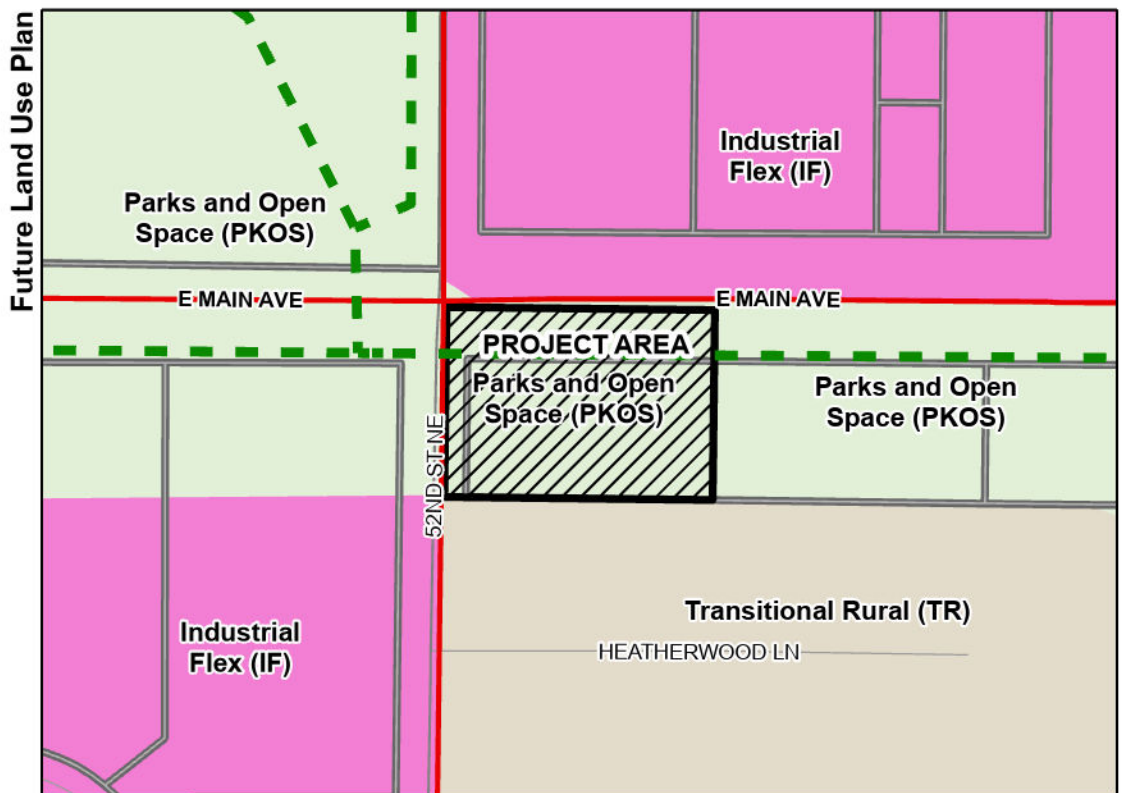
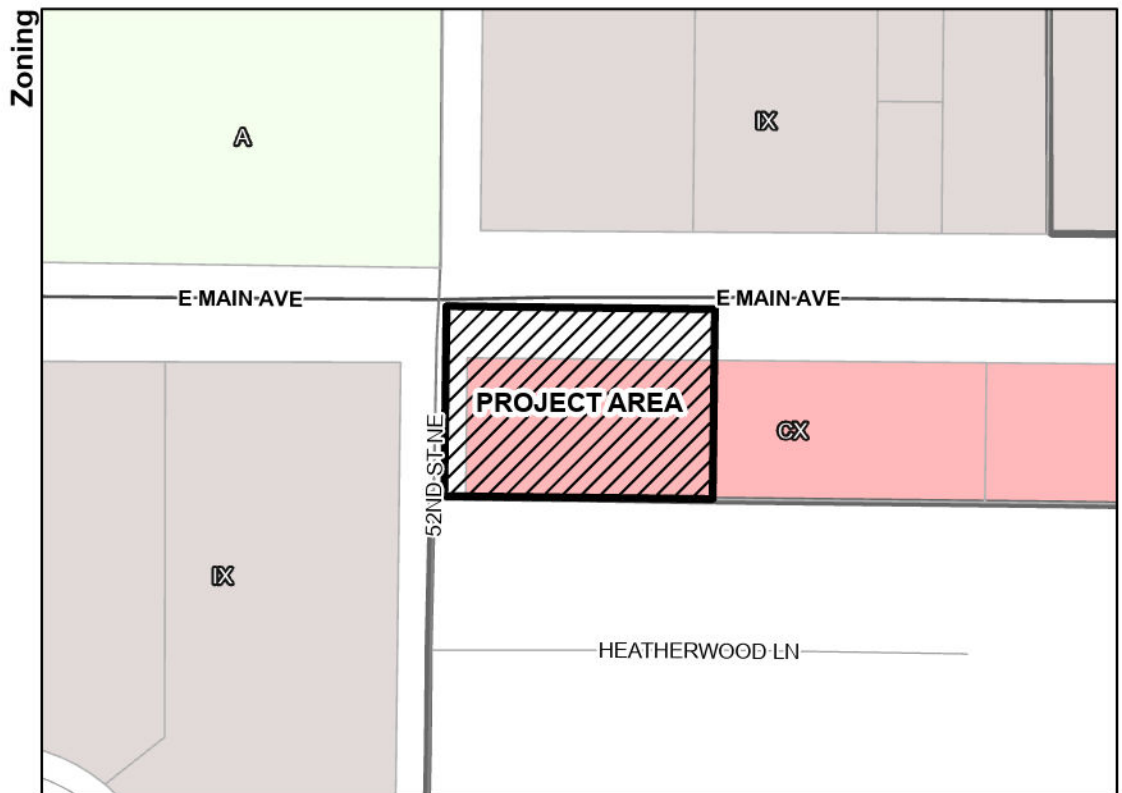
Zoning Districts

A	Agriculture
RRE	Residential Rural Estate
RR	Residential Rural
RS	Residential Suburban
RM	Residential Multi-Family
RU	Residential Urban
RMH	Residential Manufactured Housing
RX	Residential Mixed
OX	Office Mixed
CX	Commercial Mixed
CG	Commercial General
IX	Industrial Mixed
IG	Industrial General
DT	Downtown
PCI	Public Civic Institutional
OS	Open Space
PUD	Planned Unit Development

Future Land Use Plan

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

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate
- City Limits
- Future Shared Use Trail
- Existing Shared Use Trail



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.

0 212.5 425 850 Feet



City of Bismarck
Planning Department
August 23, 2026