

Memorandum

To: William Wocken, City Administrator
 From: Melvin Fischer, Administrator-Environmental Health
 Date: September 18, 2007
 Re: Apple Creek Township Inspection Activity

The following is a list of properties with a short summary of activities from the Environmental Health Division concerning properties in Apple Creek Township. I have digital photos of some of these properties that would support our activity, if desired.

Helen Hammond	700 SE 52 nd Street	Abandoned Vehicles
John Paulson	8118 Jeaner Place	Sewage on ground
Darrell & Billie Jean Bohl	8900 Bar D Rd	Abandoned Vehicles
Eric & Lorraine Richard	3000 SE 93 rd St	Operating business on RR property Joint effort w/building inspection
Dave & Roselyn Markwed	3551 SE 93 rd St	Septic system w/o permit (mobile home) Joint effort w/building inspection
Allan & Diane Guthmiller	4428 SE 93 rd St	Abandoned vehicles, contractor storage, junk and debris
John & Myrtle Holzer	9220 Bar D Rd	Abandoned vehicles
Charles & Sharon Kaiser	9165 Bar D Rd	Abandoned vehicles
Erv & Julianne Zimmerman	8820 Bar D Rd	Abandoned vehicles
Terry & Kathleen Mauch	8300 Pleasantview Rd	Abandoned vehicles, mobile home, parts Salvage operation, junk, debris
Larry Riedinger	6251 Apple Creek Rd	Abandon vehicles, mobile home
Hi Way Apts	6319 E. Main Av	Sewage on ground
Wilfred Braun	9230 Sunrise Av	Horses (too many for RR District)
Kuntz & Sons Landscaping	NW ¼ Sec. 17	Abandoned vehicles, mobile homes
Richard Hammond	5324 Meadow Lark La	Abandoned vehicles, appliances, junk
Ron & Kelly King	8019 Jeaner Pl	Abandoned vehicles
Orlin Jacobson	6327 E. Main	20+ head of cattle, bales, manure & odor
Glenda Heinert	8731 Bar D Rd	Abandoned vehicles
Gerald Ennen	9100 Bar D Rd	Abandoned vehicles
JL Frank	9000 Bar D Rd	Abandoned vehicles
Susan Schock	8901 Bar D Rd	Abandoned vehicles

If you need additional information, please feel free to contact me.

IN THE MATTER OF A PUBLIC NUISANCE AND ZONING VIOLATION LOCATED ON
LOT 5, BLOCK 4, PRAIRIE VIEW ADDITION WITH ADDRESS 5324 MEADOW LARK
LANE, BISMARCK, NORTH DAKOTA 58501-8614.

NOTICE AND ORDER

(Certified)

Richard H & Charlotte Hammond
5324 Meadow Lark Lane
Bismarck ND 58501-8614

You are hereby notified that the undersigned, acting under the authority of the Director of Inspections of the City of Bismarck, North Dakota, and pursuant to Chapter 14 - 05 - 05.1 of the 1986 City of Bismarck Code of Ordinances, as amended, conducted an inspection of the foregoing described property on August 22, 2005 and found the following:

An accumulation of unused vehicles, building materials, vehicle parts, litter etc. (See enclosed pictures)

From such findings, the undersigned concludes that the accumulation and storage of such materials constitutes a junkyard as defined in Chapter 14 - 05 - 05.1 of the 1986 City of Bismarck Code of Ordinances, as amended.

YOU ARE THEREFORE ORDERED to remove the vehicles, vehicle parts, litter, and building materials within thirty days of the date of this notice and order and refrain from such practices in the future.

IF YOU DESIRE TO APPEAL THIS NOTICE AND ORDER, YOU MUST FILE A WRITTEN REQUEST WITHIN THIRTY (30) DAYS WITH THE OFFICE OF FIRE AND INSPECTIONS, 1020 E. CENTRAL AVENUE, BISMARCK, NORTH DAKOTA 58501 AND THE BOARD OF ADJUSTMENT, PO BOX 5503, BISMARCK, NORTH DAKOTA 58502. A HEARING WILL BE SCHEDULED BEFORE THE BOARD OF ADJUSTMENT. IF A HEARING IS NOT REQUESTED, YOU MUST COMPLY WITH THE ORDER WITHIN THE TIME ALLOWED.

Dated this ____ Day of August, 2005.

Dan Mattern
Environmental Health Specialist

cc: Charlie Whitman, City Attorney

5324 Meadowlark La
8/22/2005 11am - Pictures taken by Dan Mattern, EHS



Front - South



West Side



North Side



North Side



East Side



East Side



East Side



5324 Meadow Lark Lane
11/16/2005 11am
Pictures taken by Dan Mattern



Southeast part of lot



West part of lot



West part of lot



West side of house



West side of house



West side of house & Northwest part of lot



North part of lot



North part of lot



East side of house



East side of house



East side of lot



East part of lot



East side of house



Southeast part of house



Westside of detached garage



BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES
NOVEMBER 17, 2005

The Bismarck Board of Adjustment met November 17, 2005 at 5:00 p.m. in the Tom Backer Meeting Room in the City-County Building at 221 North 5th Street. Board members present were Chair Al Kosir, Larry Thompson, Blair Ihmels, Mike Marback and Duane Beerger. Absent Doug Loos. Staff members present were Sheila Wald and Kim Lee (Planning), Ray Ziegler (Building Inspections), Mel Fischer (Environmental Health) Others present were Glen Maier, Richard Hammond, Dan and Jeanene Jacob, Harold Harter, John Sagsveen.

MINUTES

MOTION: A motion was made by Mike Marback and seconded by Larry Thompson to approve the minutes of October 20, 2005. With all members present voting in favor of the motion, the minutes were approved.

VARIANCE – Daniel and Jeanene Jacob- 1800 Kennedy Avenue

Daniel and Jeanene Jacob explained their request for a variance to reduce the side yard setback from 8' to 5' to accommodate the addition to their existing attached garage. Their neighbor Harold Harter, 1808 Kennedy Ave. expressed his concerns about surface water runoff on to his property.

MOTION: A motion was made by Blair Ihmels and seconded by Mike Marback to allow for the request to reduce the required East side yard setback of 8' to 5' for the construction of an addition to the existing attached garage with the stipulation that a letter be provided with the application for a building permit regarding an agreement between the Jacobs and Harold Harter pertaining to runoff. All members present voting in favor of the motion.

APPEAL-John Sagsveen- 1237 West Divide Avenue

Mr Sagsveen explained his request to appeal the denial of a building permit and posing the question of how the size of an accessory structure is determined. Mr Sagsveen stated his reasons for the need for a 2,000 square foot structure instead of the accessory building that was approved on the original site plan of 576 square feet.

MOTION: A motion was made by Duane Berger and seconded by Larry Thompson to deny the approval of the appeal. All members present voting in favor of the motion.

APPEAL- Richard Hammond-5324 Meadow Lark Lane

Mr. Hammond stated his concerns with the cities ability to enforcing this ordinance to his property which is beyond city limits.

MOTION: A motion was made by Mike Marback and seconded by Duane Berger to deny the request to appeal the Notice and Order issued for Lot 5 Block 4 Prairie View Subdivision, Dated 24th Day of August, 2005. All members present voting in favor of the motion.

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:30 p.m. to meet again on December 15th, 2005

Respectfully Submitted,

Ray Ziegler
Building Inspections

APPROVED:

Al Kosir
Chairman

5050 SE 93rd St
8/15/2006



Wood pile-rodent environment



Brick, contractor equipment



Contractors equipment





Contractor's equipment



Abandoned, unlicensed vehicles (2 behind fence)



Vehicles for sale, along road-remove

Note: Other unlicensed, abandoned vehicle were present, but I didn't take pictures of everything since these photos represent concerns I have.

6251 Applecreek Road
11/08/2005
Photos taken by Melvin Fischer



IN THE MATTER OF A PUBLIC NUISANCE AND ZONING VIOLATION LOCATED IN
THE NW1/4 SECTION 17, APPLECREEK TOWNSHIP OPERATING A BUSINESS KNOWN
AS KUNTZ LANDSCAPING AND SONS.

NOTICE AND ORDER

(Certified)

Virgil Kuntz
315 N 15th St
Bismarck ND 58501-4637

You are hereby notified that the undersigned, acting under the authority of the Director of Inspections of the City of Bismarck, North Dakota, and pursuant to Title 14 Zoning of the 1986 Code of Ordinances of the City of Bismarck, North Dakota, as amended, conducted an inspection of the foregoing described property on November 8, 2005 and found the following:

- 1.) Several abandoned, dilapidated mobile homes, and
- 2.) Several abandoned inoperative vehicles, vehicle parts and other debris.

From such findings, the undersigned concludes that such storage is in violation of Section 14-05-05.1 Accumulation of Certain Items Prohibited of the 1986 Code of Ordinances of the City of Bismarck, as amended.

The use of this property for this purpose is constitutes a public nuisance as stated in Section 14-05-06 of the Code of Ordinances of the City of Bismarck, as amended.

YOU ARE THEREFORE ORDERED to remove the mobile homes, vehicles, vehicle parts and other debris within 30 days of the date of this notice and order. This is not approved as part of the landscaping business conducted on the site.

IF YOU DESIRE TO APPEAL THIS NOTICE AND ORDER, YOU MUST FILE A WRITTEN REQUEST WITHIN THIRTY (30) DAYS WITH THE OFFICE OF FIRE AND INSPECTIONS, 1020 E. CENTRAL AVENUE, BISMARCK, NORTH DAKOTA 58501 AND THE BOARD OF ADJUSTMENT, PO BOX 5503, BISMARCK, NORTH DAKOTA 58502. A HEARING WILL BE SCHEDULED BEFORE THE BOARD OF ADJUSTMENT. IF A HEARING IS NOT REQUESTED, YOU MUST COMPLY WITH THE ORDER WITHIN THE TIME ALLOWED.

Dated this 9 Day of November, 2005.

Melvin Fischer
Administrator-Environmental Health

cc: Charles Whitman, City Attorney

Kuntz & Sons Landscaping
11/08/2005



IN THE MATTER OF A PUBLIC NUISANCE AND ZONING VIOLATION LOCATED IN
THE NW1/4 SECTION 28, APPLECREEK TOWNSHIP.

NOTICE AND ORDER

(Certified)

Terrance & Kathleen Mauch
8300 Pleasantview Rd
Bismarck ND 58504-4014

You are hereby notified that the undersigned, acting under the authority of the Director of Inspections of the City of Bismarck, North Dakota, and pursuant to Title 14 Zoning of the 1986 Code of Ordinances of the City of Bismarck, North Dakota, as amended, conducted an inspection of the foregoing described property on November 8, 2005 and found the following:

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Dated this 9 Day of November, 2005.

Melvin Fischer
Administrator-Environmental Health

cc: Charles Whitman, City Attorney

Terry Mauch Property
11/08/2005



Memo

To: File
From: Melvin Fischer, Administrator
Date: February 20, 2007
Re: Terry Mauch Property

This memorandum is in regards to an inspection of the Terry Mauch property at the request of Paul Fraase, Assistant City Attorney. During my visit to the Terry Mauch property, 8300 Pleasantview Road, Bismarck, I observed an accumulation of vehicles that appeared to be abandoned, building materials, contractor's equipment and other debris.

In addition, it appears that Mr. Mauch is conducting a business on the property where the home is located. I visited with, what appeared to be an employee, of Mr. Mauch's concerning my reason for the inspection. He may be running a salvage operation. I visited with Mr. Mauch by telephone, who was very irate that I was on his property indicating we had no authority. After some discussion regarding the opinion issued and what he believes the jurisdictional issues, he informed me that if I visit the property in the future, I better have a court order.

It is difficult to determine where the property line is between Mr. Mauch's agricultural and residential zoned properties. There is a considerable amount of material on each.

Terry Mauch Property
February 20, 2007













Terry Mauch Property
8300 Pleasantview Rd
1/24/07

