

## Billings County Zoning Meeting December 20, 2012

**Members present:** John Tczap, Connie Kasian, Anita Kessel, Paul Krush, Karen Putnam.

**Members absent:** Jim Arthaud, Cathy Cerkoney.

**Others present:** Albert Kesel, Brent Boltz, Cecilia Hurt, Myron Yourk, Greg Erikson, Ardis Erikson, Diane Harker, Giles Radtke, Rick Duval, Juliana Pemberton, Donna Adams, Stacey Swanson.

The meeting was called to order by Connie Kasian at 1:00pm.

Anita Kessel moved to approve the minutes from the November 15, 2012 zoning meeting. Paul Krush seconded. All voted aye.

John Tczap arrived at 1:10.

**Myron & Tim Yourk:** Application to construct a 24' x 34' addition to the café on a 1.80 acre parcel in the NW1/4NW1/4 14-142-99 (2000 Hwy 85 SW), South Fairfield. Property is zoned commercial. Myron Yourk was in attendance to answer any questions. Paul Krush moved to approve. Connie Kasian seconded. All voted aye.

**Roberta O'Brien:** Application for a conditional use permit to have 1 RV as temporary housing on a 10 acre tract in the NW1/4 3-139-100 (3624 135<sup>th</sup> AVE SW). Property is zoned agricultural. RV is currently sitting on old mobile home site.. Anita Kessel moved to approve the conditional use permit for one year. Paul Krush seconded. All voted aye.

**Jarid Sinkler of SBG Green River Facility, LLC:** Application for a variance to allow a mobile home as employee housing at the saltwater disposal facility in the NW1/4NW1/4 23-141-99 (2710 Hwy 85 SW). Property is owned by Doug & Rhonda Paluck and zoned agricultural. Mobile home is already on the property. Salt water disposal facility in itself is regulated and approved by the North Dakota Industrial Commission. Setbacks are ok. Water and sewer are permanent. Safety reasons were discussed for the purpose of the housing for the employees who monitor the site 24/7. Anita Kessel moved to approve the variance pending final approval by commissioners. Paul Krush seconded. All voted aye.

**Tim O'Brien:** Conditional use permit for a residence and shop in the SE1/4SE1/4 30-142-98 (12525 23<sup>rd</sup> St SW). Property is zoned agricultural. The shop is already built and modular home already moved in. Setbacks are ok and sewer and water have been permitted. Anita Kessel moved to approve. Connie Kasian seconded. All voted aye.

**Paul Kessel:** Application for a conditional use permit to have 2 RV's as temporary housing in the NW1/4SW1/4 31-142-98 (2376 126th Ave SW). Property is zoned agricultural. Connie Kasian moved to approve one year conditional use. Paul Krush seconded. Anita Kessel abstained. All voted aye.

**Greg & Ardis Erikson:** Request to rezone a 5 acre parcel in the W1/2NW1/4 35-141-99 (2943 Hwy 85 SW) from residential to commercial and allow parking for 2 trucks. Zoning minutes from June 17, 1980 stated there would be no more industrial or commercial zoning allowed in Section 35- 141- 99, West of Highway 85. Greg & Ardis Erikson were in attendance to answer questions. Discussion ensued regarding residential zoned property intermingling with commercial. Anita Kessel moved to deny the application based on aforementioned June 17, 1980 zoning action. Paul Krush seconded. All voted aye.

**Gerry Grosulak:** Request a minor subdivision for a 5 acre tract in the NW1/4NE1/4 34-141-99 & rezone the property from agricultural to residential. This property is being sold. If the buyer would want to place a home or further subdivide the property, they would have to apply to the zoning board. Karen Putnam moved to approve. Anita Kessel seconded. Additional discussion ensued regarding the need for a survey. Karen Putnam requested to add to her motion that a survey of the 5 acres must be provided. Anita Kessel seconded. All voted aye.

**Giles Radtke:** Request to rezone a 15 acre tract in the E1/2E1/2SE1/4 8-139-100 from agricultural to commercial. Application to construct a 72' x 80' shop & a conditional use permit requested for a residence. Property is currently owned by the Russel Logan Equity Pure Trust. Giles Radtke was in attendance to answer any questions. A purchase agreement is in place for property. SWDH application is in process, but has not been approved yet. Anita Kessel moved to approve conditional upon a survey being done of the 15 acres and an approved sewer permit be provided. Paul Krush seconded. All voted aye.

**Other Business:**

Brent & Sarah Boltz: pending zoning violation. Brent Boltz was in attendance to answer questions. Said he was unaware of the setback requirements. Shop is being used for personal storage. The shop is within the 250' setback. Anita Kessel moved to approve the variance to allow the shop within the 250' setback. Connie Kasian seconded. All voted aye.

ADB Development, LLC: pending zoning violation. Trucks are being parked on residential lot in the new Franks Creek Subdivision. Rick Duval was in attendance to answer questions. Rick that he felt that he is not in violation because he only parks his trucks on the property, he does not do business, however, Stacy Swanson stated that he is bound by the residential use of the property and that truck parking is part of the business. All the lots were zoned for single family homes and they were not to park trucks or combine residential/commercial use. They were informed at the time of the approval of the subdivision that they could not park their trucks there. There are multiple trucks parking on the subdivision and multiple drivers. John Tczap requested that this potential violation be tabled until this can be discussed with the States Attorney.

Arnold Rodakowski: Pending zoning violation. Skid shacks have been set up at 2010 Hwy 85 SW on a former mobile home site on a 2.76 acre parcel. No application has been received. Alpha Oil & Gas Services is the tenant. Violation was tabled until an application is received or the property owner can be contacted.

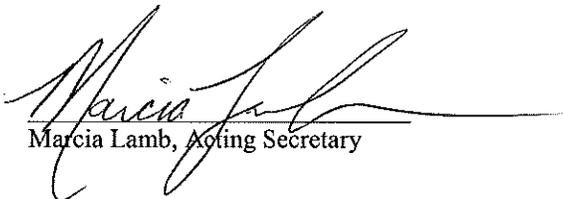
Tim & Mary Armbrust: Pending zoning violation. One RV is being used as a temporary housing on a former mobile home spot. No one is currently living in this RV. Tim called the zoning director and stated that if someone moves in, then he will come in and apply.

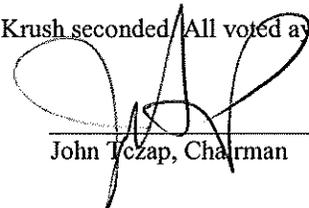
Ron Broersma: Pending zoning violation. RV is closer than 20' to the restaurant which is a safety issue. John Tczap requested that a copy of the ordinance be sent to Ron to let him know of the setback requirement.

RV at Club 85: Pending zoning violation. Unsure If someone is actually living in it, or whether it is just parked on the property. John Tczap requested a letter be sent to find this information out.

Stacey Swanson went over information and forms received at the Vision West conference that she and Juliana Pemberton and John Tczap attended.

With there being no further business, Anita Kessel moved to adjourn. Paul Krush seconded/All voted aye.

  
Marcia Lamb, Acting Secretary

  
John Tczap, Chairman