

Billings County Planning and Zoning Committee

May 10, 2012

1:00 P.M.

Members present: Connie Kasian, John Tczap, Don Heiser, Anita Kessel, Paul Krush

Members absent: Jim Arthaud, Cathy Cerkoney

Others present: Jay Brovold, Rick Duval, Bill Engen, Kathy Richard, Byron Richard, Aaron O'Brien, John Romanyshyn, Jerica Romanyshyn, Mary Nordsvon, James Odermann, Dave Jurgens, Jeff Egan, Shawn Gawryluk, Mitsy Mross, Wayne Keistinen, Bob Klein, Ashley Martin, Diane Harker, Brady Larkin, Terry Harker, Lance Thomas, Bob Klein (other names on the attendance roster that were unreadable)

Chairman Tczap called the meeting to order. Anita Kessel moved to approve the minutes of April 12, 2012. Connie Kasian seconded. All voted aye.

NEW BUSINESS:

Shawn Gawryluk: Application for temporary crew housing for 2 skid shack units in the NW1/4SW1/4 28-139-100. Don Heiser moved to approve the application conditional upon approval from SW District Health. Paul Krush seconded. All voted aye.

Lance Thomas: Application to rezone 2 acres in the SW1/4SW1/4 36-141-99 from agricultural to residential for the placement of a manufactured home. Lance also requested a variance from the 5 acre minimum lot size. The property is currently owned by David & Patricia Kubas, but Lance is purchasing 2 acres. Anita Kessel moved to approve the rezoning and variance under the condition of approval from SW District Health. Paul Krush seconded. All voted aye.

Byron Richard: Application (1) to rezone 5 acres in the S1/2NW1/4 9-139-100 (Fryburg) from agricultural to residential for the placement of a manufactured home. Property is currently owned by Russel Logan Equity Pure Trust. Paul Krush moved to approve the application pending approval from SW District Health. All voted aye.

Byron Richard: Application (2) to rezone 5 acres in the S1/2NWNW1/4 9-139-100 (Fryburg) from agricultural to residential for the placement of a manufactured home. Property is currently owned by the Russel Logan Equity Pure Trust. Paul Krush moved to approve the application pending approval from SW District Health. All voted aye.

Billings County District #3: Application for a conditional use permit to mine scoria on 15 acres in the NW1/4SW1/4 7-139-100. The permit requested to reduce the setback requirement from 300' to 75' on the west boundary of the SW1/4. Property is owned by Dave and Donna Adams and is zoned agricultural. The board noted that the landowners have to be the one to request the conditional use permit, not the entity doing the mining. Donna agreed to sign the conditional use permit. Don Heiser moved to approve. Anita Kessel seconded. All voted aye.

Zerria, LLC: Application to rezone approximately 111.51 acres in the S1/2 35-141-99 from agricultural with residential spot zoning to commercial for entire acreage. Property is currently owned by Sherry Solberg. Back in the 1980's when Halliburton built in that area, the zoning board ruled that no more commercial property would be allowed in that area. Other concerns were the safety of having commercial property on the 6 mile curve in Highway 85, and having commercial property in a residential area. The presentation given at the meeting was for a motel and 11 residential lots. The application submitted was to rezone the entire acreage commercial with no building plan attached. No action was taken since the application didn't match the plan presented.

Jodi Safford: Application for a conditional use permit for the placement of a manufactured home on an existing farm site at 12525 23rd St SW in the SE1/4SE1/4 30-142-98. Anita Kessel moved to approve the application. Paul Krush seconded. All voted aye.

John Romanyshyn: Application to rezone 5.5 acres in the NW1/4SW1/4 12-141-98 from agricultural to residential for the construction of a home. Property is owned by Myron and Sandy Romanyshyn. Anita Kessel moved to approve the application. Paul Krush seconded. All voted aye.

Paul Krush left the meeting at 2:00 P.M.

Aaron O'Brien: Application to rezone lots 15, 16, & 17, Block 4, Fryburg 9-139-100 from agricultural to residential. Aaron questioned why it was zoned agricultural when there were homes on the lots previously. State's Attorney Brovold stated that nothing in Fryburg was previously ever zoned residential and all zoned agricultural. He requested being grandfathered in and the zoning fee be waived. The board requested that he first determine what the use of the property will be, and bring it back to the board.

OLD BUSINESS:

Myron Yourk of Yourk and Kenner Enterprises, LLC: Application for construction of an 80 unit hotel leased to Westwood Enterprises on a 2.8 acre tract in the NW1/4NW1/4 14-142-99 (Fairfield). Property is zoned commercial. Kessel moved to table the request. Don Heiser seconded. All voted aye.

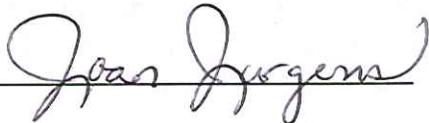
Rick Duval, of ADB Development, LLC: Amended application for the development of a subdivision for a 40 acre tract in the E1/2E1/2NW1/4 22-141-99; request to rezone all acreage from agricultural to residential for approximately 31 one acre lots; request a variance to reduce the front yard setback for the proposed residential lots from 75' to 50'. Property is currently owned by William & Edna Engen. Some concerns discussed were issues with adjacent zoning, lot levels, no public park area as required in the zoning ordinance, the organic certification of adjacent property, the Green River, and whether there would be enough water for all residences plus fire protection. Don Heiser moved to approve the preliminary subdivision plat providing they come to some agreement with the county about the public park requirement. Kasian seconded. All voted aye. Connie Kasian moved to approve the rezoning request. Don Heiser seconded. All voted aye. Don Heiser moved to approve the setback variance. Connie Kasian seconded. Kasian, Heiser and Tczap voted aye. Kessel voted nay.

Myron Yourk: Variance to relocate an existing mobile home hookup in the NWNW1/4 14-142-99 to another location approximately 300' to the SE. Anita Kessel moved to approve the variance. Don Heiser seconded. All voted aye.

With there being no further business, Don Heiser moved to adjourn the meeting at 3:20 P.M. Connie Kasian seconded. All voted aye.



John Tczap, Chairman



Joan Jurgens, County Auditor