

**Billings County Zoning Meeting**  
**May 16, 2013**

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

**Members absent:** Jim Arthaud

**Others present:** Tonya Boltz, Rick Duval, Allan Thompson, Martha Namyniuk, Dave Jurgens, Donna Adams, Richard Volesky, Jay Brovold, Wesley Schuhrke, Pat Rummel, Kathryn Wall, Steve Burns, Chandler Kubas, Bill Haverluk, Ardis Erikson, Greg Erikson, Diane Harker, Jeremy Wood, Dennis Beamis, Jessica Bowser, Clem Dutchak .

The meeting was called to order by John Tczap at 1:00pm.

Kessel moved to approve the minutes from the April 18, 2013 regular zoning meeting. Cerkoney seconded. All voted aye.

John Romanyshyn: Application to construct an attached 42' x 50' garage with breezeway on 9.9 acres in the NW1/4SW1/4 12-141-98. Property is zoned residential and currently owned by Myron & Sandra Romanyshyn. John is purchasing all of the NW1/4SW1/4. Variance also requested to allow a 19' high accessory building in a residential district. Billings County ordinance has a height limitation of 15' in a residential district. Setbacks are in line. Krush moved to approve the application and the variance. Cerkoney seconded. All voted aye.

Gerald Grosulak: Request to rezone approximately 83.7 acres in the NE1/4 34-141-99 from Agricultural to Residential. The tract is located west of Hwy 85, along 29<sup>th</sup> St SW. Krush moved to approve. Kasian seconded. All voted aye.

Gerald Grosulak: Application for the development of a major subdivision on the above described 83.7 acre tract of land in the NE1/4 34-141-99. Jeremy Wood from Northern Plains Engineering was present to present the preliminary plat which contains 16 single-family residential lots ranging in size from 5.0 acres to 7.3 acres to the board. Diane Harker addresses the board with her concerns for this subdivision. Discussion ensued regarding the BakkenLink pipeline that extends through the property, approaches, Southwest Water, utility easements, covenants and a road profile. Kessel moved to table this application until more information is available. Cerkoney seconded. All voted aye.

Chandler Kubas: Application to rezone approximately 15 acres from Agricultural to Industrial for truck parking and to construct a hoop structure in NW1/4 29-141-98. The property is owned by Delrey & Marchell Kubas. Discussion ensued regarding truck traffic on 28<sup>th</sup> St SW and nuisance issues as they are proposing 75 trucks. The board also discussed monitoring of the property so that individuals are not living in their trucks. The board stated that they would like to review a contract and designated route as well as specifics on the lot width. The board directed zoning director Stacey Swanson to draft a letter outlining issues and questions to be answered at the next zoning board meeting. This application was tabled.

Chad Hammerstrom: Application to construct an attached 32' x 40' garage on a 60 acre tract in the SE1/4 32-139-102 (4189 148<sup>th</sup> Ave SW). Property is zoned agricultural. Setbacks are in line. The house is residential. Kessel moved to approve. Krush seconded. All voted aye.

Greg & Ardis Erikson: Application to construct an attached garage with breezeway on a 5 acre tract in the W1/2NW1/4 35-141-99 (2943 Hwy 85 SW). Property is zoned residential. Variance also requested to allow a 16' high accessory building in a residential district. The garage will be for personal use only. Kessel moved to approve the application and variance. Cerkoney seconded. All voted aye.

Rick Duval, ADB Development: Application for a conditional use permit to have 2 RVs as temporary housing on Lot 1, Block 3, Frank's Creek Subdivision (2703 Green River Dr). Property is zoned residential. Variance requested to allow the RVs on a lot less than 5 acres as the Lot is only 2 acres. The request is to allow RV's for construction workers that would be building homes on these lots. There are no applications at this time for new homes within the subdivision. This request was tabled by the board until there is a concurrent application for construction of housing.

Jory & Tonya Boltz: Request to amend application 2012-68 from a 6 unit RV campground to a 10 unit campground. The campground is located on 2 acres of a 40 acre tract in the NW1/4 34-141-98 (2920 123rd Ave SW). Property is zoned recreational. They have received their certification from the North Dakota Department of Health. Wes Schuhrke addressed the board with questions regarding the zoning of the campground. Stacey Swanson informed the board that RV campgrounds must be zoned recreational and be certified by the State. Kessel moved to approve the amended application. Krush seconded. All voted aye.

Paul Krush left the meeting at 2:42pm.

Chimney Butte Environmental, LLC: Application to construct a maintenance shop, scale, & scale house at the special waste landfill on a 152.6 acre tract in the W1/2 sections 4 & 5, 143-99 (1217 Hwy 85 SW). The special waste landfill was approved last year and has also been approved by the ND Department of Health. There will be no living quarters, will only be for use of scale operator during working time. Setbacks are in line. Cerkoney moved to approve the application. Kasian seconded. All voted aye.

Greg Erikson approached the board with a question regarding how long people can stay in an RV at a property when they are visiting. The county ordinance allows 30 days.

Stacey Swanson addressed a zoning violation for Skyward Trend. It was brought to the board's attention that the RV's and mobile homes are not being used solely for employee housing anymore and that some are being rented out. They must be licensed by the State as a campground or mobile home park to rent the spaces. States Attorney Jay Brovold was present to inform the zoning board that they can recommend to the commissioners to rescind the conditional use permit that was given to Skyward Trend. Cerkoney moved to recommend to the commissioners that the temporary housing permits for Skyward Trend be rescinded. Kessel seconded. All voted aye.

Roy Krivoruchka received a warning and notice from the zoning department for a reported violation. He filled out variance application to allow for two RV's on his property in SESW 4-142-100. There is water and sewer on the property. This application was tabled until it can be published.

Stacey went over one other potential zoning violation that she is sending warning and notice.

Wes Schuhrke addressed the board regarding concerns with the Kubas application. He thanked the board for their work for the county.

With there being no further business, Kessel moved to adjourn at 3:15PM. Putnam seconded. All voted aye.

  
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Marcia Lamb, Secretary

  
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John Tczap, Chairman