

The Beulah Planning and Zoning Special Meeting of March 28, 2022 was called to order at 5:02 pm by Jerry Reichenberg at the Beulah Civic Center.

Present: Jerry Reichenberg, Dale Schwalbe, Dustin Buchmann, Chris Renner, Brock Seibel, Roger Gazur, Gerald Bieber, Gary Miller

Also Present: Beaver Brinkman, Economic Development; Heidi Hamelton, Assessor, Gary Bovkoon, Ken Winkler, Stacey Winkler, Mark Riegel, Kurt Kordonowy, Kevin Hermann

Motion was made by Renner to approve the March 14, 2022 P&Z Meeting Minutes as presented. Buchmann seconded. Motion carried.

HEARING – APPLICATION FOR AMENDMENT TO THE ZONING MAP

Motion was made by Gazur to open the hearing. Schwalbe seconded. Motion carried. Hamelton read the Application for Amendment to the District Zoning Map and answered questions that were asked by the members of the public.

Ken Winkler expressed concern about trash blowing into his fence line from the New Energy Apartments when the wind blows, and whether this would be addressed before more construction and building happens in the area. Hamelton stated that Public Works has been notified, as well as Parkway Property Management, who manages that property. If it continues to be a problem, that will need to be addressed with the City Council, not with Planning & Zoning.

It was also discussed that the City of Beulah does not enforce neighborhood or development covenants.

Motion was made by Gazur to close the hearing. Renner seconded. Motion carried.

PUBLIC PRESENTATIONS

Gary Bovkoon presented to discuss his request to build a carport on his property to the south of his house. The Zoning Ordinance in Section 4.1.C(5) states that all off-street parking areas shall be surfaced with impervious asphalt, concrete, or similar material, and not composed of any loose material, and this is what was relayed to Bovkoon when he presented his building permit application. However, Ordinance #301 Section 1 states that there shall be a minimum surface of at least standard ND Class 8 gravel. The P&Z Commission determined that the requirements in the Zoning Ordinance are geared more towards commercial applications and parking lots as opposed to private homeowners parking off-street. The commission agreed that Hamelton can issue a building permit for Bovkoon to construct a carport with the surface meeting the requirements set forth in Ordinance #301.

The issue of unpermitted, non-conforming temporary style canvas storage buildings popping up around town was addressed. A list will be started, and the property owners will be notified that they are in violation of the Zoning Ordinance and given a short amount of time to either apply for a permit or remove the structure.

A request from Mark Lauer was also discussed. He would like to put up two small “hoop barns,” one rectangular, one with a rounded top for storage purposes. He wants to get P&Z’s opinion before he spends money on the structures. The members expressed some concern regarding having curved walls instead of straight walls. The material that can be used for these accessory or temporary buildings was also discussed. Hamelton will review the city ordinance for direction.

OLD BUSINESS

Bovkoon Carport Permit Application

Addressed during Public Presentation.

Foundation Detail Update

No update.

Attorney General Inquiry

This issue was tabled by the City Council on 3/23/22 pending a request for more information. Hamelton posed how to fix the reference error in the Zoning Code for text amendments. NDCC §40-47-04 and §40-47-05 were discussed as spelling out how to amend a zoning regulation. When an ordinance is drafted, it states what is being changed, but it does not reference an application document or why the change is being made. When the request is presented to City Council, it needs to be a very simple explanation. Gazur presented two flow chart documents that he will use for the next presentation before City Council. Miller stated that he is not confident the City Council will approve requesting an AG opinion because of the cost that has already been paid out in pursuit of this action. The issue of city staff concern was raised and Hamelton shared her views, along with some of the concerns of the other staff.

P&Z Ordinance Enforcement Revision Review

No update.

Interstate Engineering revision of district zoning map

In process.

Truth Community Church grading issue

The city Engineer was asked to visit the site. Their recommendation was to require some sort of cover for the dirt, such as hay, until grass can be planted and grown to secure the soil. The drainage to the north and east will also need to be expanded and re-worked to make sure water runoff is properly routed. The church also needs to stripe the new parking spaces to make sure they are being utilized as they were engineered.

Future projects that end up with unseeded dirt will be required to cover it through the winter to prevent erosion and runoff.

NEW BUSINESS

221 3rd Ave NW Inspection Report

Hamelton presented the issue of this property having five unfinished building permits over the last 10 years. No proof of inspection could be found. Mayor Frey approved sending the Building Inspector from IE to the property to inspect the status of the permits. They were unable to access the house with the keys they were given, but the inspection of the outside revealed multiple unfinished and unsafe projects. Hamelton requested permission to move forward with notification and possible referral to legal for incomplete building permits. The commission expressed support for proceeding.

Randy Byrum – Retail Aggregate Staging

Byrum expressed plans to stage aggregate and topsoil for sale on the SW corner of Hwy 49 & 200. He will not need a building permit for this use as there is no mining or crushing being performed. Byrum also recently unearthed a large amount of scoria on this corner, and Hamelton told him he will need to cover this back up ASAP. Reclamation of the land has not yet been discussed.

PERMIT LIST REVIEW

Motion by Renner to approve building permits 7918, 7919, and 7921. Schwalbe seconded. Motion carried.

Motion to adjourn by Gazur. Schwalbe seconded. Motion carried. Meeting adjourned at 6:53 PM.


Chairperson


Secretary