

CITY BOARD OF ADJUSTMENT

MINUTES: February 4, 2015

Name	Title	01/07/15	02/04/15	03/04/15	04/01/15	05/06/15	06/03/15	07/01/15	08/05/15	09/02/15	10/07/15	11/04/15	12/02/15
Jeff Bollman	Chairman	1	1										
James Olson	Board member	1	E										
Paul Hagen	Board member	1	1										
Frank Chesarek	Board member	1	1										
Matthew McDonnell	Vice Chairman	1	E										
Martin Connell	Board member	1	1										
Mark Noennig	Board member	1	1										

TOTAL NUMBER OF APPLICATIONS 2015	01/07/15	02/04/15	03/04/15	04/01/15	05/06/15	06/03/15	07/01/15	08/05/15	09/02/15	10/07/15	11/04/15	12/02/15	TOTAL
Variance	1	1											2

On February 4, 2015, Chairman Bollman called the meeting to order at 6:00 p.m. The City Board of Adjustment met in the first floor conference room of the Miller Building located at 2825 3rd Avenue North.

Chairman Bollman asked Zoning Coordinator Nicole Cromwell to introduce the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator; Dave Green, Planner I, and Tammy Deines, Planning Clerk.

Others in Attendance: Bill Stene; Jeff Robertson; Sandy Kunkel; Ken Kunkel; Pat Hopper; Barbara Hawkins; Dave Hawkins

Public Comment

Chairman Bollman opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. There was none. Chairman Bollman closed the public comment period.

Approval of the January 4, 2015 Meeting Minutes

Chairman Bollman called for approval of the January 4, 2015 minutes.

Board member Connell made a motion and Board member Hagen seconded to approve the January 4, 2015 meeting minutes as submitted.

The motion carried with a unanimous voice vote, 5-0.

Disclosure of Conflict of Interest

Chairman Bollman asked for disclosures of conflict of interest. Board member Connell stated he is on a Board of Directors along with Ken Kunkel Board of Directors and personal friend but he does not believe he has to recuse himself for this variance application.

Disclosure of Outside Communication

Nicole Cromwell explained there are times applicants communicate directly with Board members and this should be communicated to the Board members in a public forum. Staff received the following communications: Letter dated January 23, 2015 from Tony and Jill Thelen, 2510 Hoover Ave. Billings, Montana regarding City Variance #1206.

Public Hearings

Chairman Bollman stated the Board will open a public hearing and allow public comment this evening. Ms. Cromwell reviewed the hearing process and presentation process for the meeting for reviewing and acting on each variance. She stated four votes of the Board of Adjustment are required to pass a variance. This evening there are 5 Board members attending. A simple majority will approve requests.

Planner Dave Green reviewed the application for Variance request #1206 and presented the Board with the staff report for this request. He stated he received two citizens' calls in support of this request.

Item #1 Variance #1206 – 2222 Virginia Lane – Rear Setback - A variance from 27-308 requiring a minimum rear setback of 20 feet to allow a rear setback of 7 feet for a proposed addition and attached garage on Lot 8, Blackacre Subdivision, a 15,500 square foot parcel of land. Tax ID: A03137C.

REQUEST

City Variance #1207-1905 Poly Drive: The applicant is requesting a variance from 27-308 requiring a minimum setback of 70 feet from the centerline of a minor arterial street to allow a minimum setback of 50 feet from the centerline of Poly Drive for the construction of a new two-car detached garage on Parcel 1B1 of amended C/S 375, a 14,321 square foot parcel of land. Tax ID: D04845, Ken and Sandra Kunkel owner.

RECOMMENDATION

Staff is recommending Conditional Approval of the variance.

Staff is recommending the following conditions for the decrease in setback from 70 feet to 50 feet:

1. The variance is to decrease a minimum setback of 70 feet from the centerline of a minor arterial street to allow a minimum setback of 50 feet from the centerline of Poly Drive for the construction of a new two-car detached garage. No other variance is intended or implied with this approval.
2. The variance is limited to Parcel 1B1 of amended C/S 375 generally located at 1905 Poly Drive.

3. The garage shall be constructed in substantial conformance to the drawings submitted to the planning department with this application.
4. No construction activity will be done before 7 a.m. or after 8 p.m.
5. The owner will submit a building permit application within 1 year of Board of Adjustment approval and complete the construction within 2 years of Board of Adjustment approval.
6. Failure to begin or complete the approved actions on the variance will void the approved variance.
7. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

Discussion

Chairman Bollman asked the members of the Board for questions and discussion. Board member Noennig asked how the noncompliant homes were built in this area. Dave Green said he is unsure but this is usually checked during the building permit process.

Public Hearing

At 6:18 p.m., Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1207.

Proponents

Ken Kunkel, 1905 Poly Drive, Billings, Montana

Mr. Kunkel is the property owner. He said he has hired Jeff Robinson as an architect to ensure the new structure will meet the aesthetics of the existing home. He said ultimately with the 70-ft setback from the centerline, it would be 12-15 feet from the front door, and there would still be plenty of room for Poly to expand if needed. They plan to stay at this residence for several years and the plan for the garage will provide wheelchair access through the garage to the kitchen if needed. The main floor of the home is approximately 1500 square feet and the additional onsite storage would be a plus.

Discussion

Board member Connell asked about the upstairs apartment. Jeff Roberts stated he is trying to maintain the same architecture as the existing home and the plan is to use the space for storage if needed. He said the room is within the roof system. This structure will provide two additional garage bays and a shop area. He said the site plan differs as there will gravel ribbons that come off of the driveway. The intent is to store vehicles and a couple of motorcycles.

Patrick Hopper, 1934 Poly Drive, Billings, Montana

Mr. Hopper stated is in agreement with this request, and he is interested in this application as would like to build a garage in the near future.

Opponents

Chairman Bollman called for opponents of City Variance #1207. There was none. Chairman Bollman closed the public hearing, and called for a motion.

Motion

Board member Chesarek made a motion and Noenning seconded the motion to conditionally approve City Variance #1207 with the conditions and Findings of Fact presented by Staff.

Discussion

Board member	Yes	No	Abstain	Not Present
Jeff Bollman	1			
James Olson				1
Paul Hagen	1			
Frank Chesarek	1			
Matthew McDonnell				1
Martin Connell	1			
Mark Noennig	1			

The motion passed 5-0. City Variance #1207 is conditionally approved.

Discussion

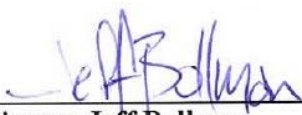
Chairman Bollman asked the members of the Board for questions and discussion on the motion. There was none.

Other Business/Announcements:

- The next City Board of Adjustment meeting will be held on **Wednesday, March 4, 2015.**

Adjournment: 6:21 p.m.

ATTEST: Approved by a motion on March 4, 2015



Chairman Jeff Bollman

Tamara L. Deines, Planning Clerk