

CITY BOARD OF ADJUSTMENT

MINUTES: March 2, 2016

Name	Title	01/06/2016	02/03/2016	03/02/2016	04/06/2016	05/04/2016	06/01/2016	07/06/2016	08/03/2016	09/07/2016	10/05/2016	11/02/2016	12/07/2016
Jeff Bollman	Chairman	-	-	1									
James Olson	Board member	-	-	1									
Paul Hagen	Board member	-	-	1									
Frank Chesarek	Board member	-	-	1									
Oscar Heinrich	Board member	-	-	1									
Martin Connell	Board member	-	-	1									
Mark Noennig	Board member	-	-	1									

TOTAL NUMBER OF APPLICATIONS 2016	01/06/16	02/03/16	03/02/16	04/06/16	05/04/16	06/01/16	07/06/16	08/03/16	09/07/16	10/05/16	11/02/16	12/07/16	TOTAL
Variance	0	0	2										

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.

Nicole Cromwell introduced the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner I; Robbin Bartley, Administrative Support; and Tammy Deines, Planning Clerk.

Attending: Jonathan Porta 1603 Howard Ave Billings, MT 59102, Reagan Geffre 2048 Phoebe Drive Billings, MT 59105, Gordon Bean 1216 Custer Billings, MT 59101

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 Meeting Minutes

The approval of the October 7, 2015 meeting minutes had been delayed. Board member Olson made a motion for the approval of October 7, 2015 and November 4, 2015 minutes. Board member Hagen seconded the motion. Minutes were approved by unanimous vote 7-0.

Disclosure of Conflict of Interest

Chairman Bollman asked for disclosures of conflict of interest.

Board member	Yes	No	Not Present
Jeff Bollman		x	
James Olson		x	
Paul Hagen		x	
Frank Chesarek		x	
Oscar Heinrich		x	
Martin Connell		x	
Mark Noennig		x	

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.

Board member	Yes	No	Site visit?	Not Present
Jeff Bollman		x		
James Olson		x	#1223-yes	
Paul Hagen		x	#1223-yes	
Frank Chesarek		x		
Oscar Heinrich		x	#1223 & #1224-yes	
Martin Connell		x		
Mark Noennig		x		

Staff received the following communications: None

Public Hearings

Zoning Coordinator Nicole Cromwell reviewed the procedures for public hearing and stated the Board will open a public hearing and allow public comment this evening. She reviewed the hearing and presentation processes for the meeting for reviewing and acting on each variance. She stated four votes in favor of the Board of Adjustment are required to pass a variance. This evening there are 7 Board members attending. A simple majority will approve requests.

Nicole Cromwell reviewed the application for Variance request #1223 and Karen Husman presented the Board with the staff report for this request.

Item #1. Variance 1223 – 304 16th St West – Lot Area – A variance from Section 27-308 requiring a minimum lot area of 9,600 square feet for 2 dwelling units in a Residential 7,000 (R-70) zoning district on Lot 3, Block 1 of Parker-Ellis Subdivision to allow a minimum lot area of 8,059 square feet for an existing duplex dwelling. Tax ID: A12614.

RECOMMENDATION

Staff recommends conditional approval of the variance. Staff is recommending the following;

1. The variance from Section 27-308 requiring a minimum lot area of 9,600 square feet to allow a minimum lot area of 8,059 square feet in a R-70 zone for an existing duplex. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 3, Block 1 of Parker-Ellis Subdivision generally located at 304 16th Street West.
3. This variance is to be able to rebuild the duplex should the current structure be damaged by more than 50% replacement cost. Any future construction to replace the existing duplex will require compliance with all other zoning regulations and city ordinances apply at the time of construction or re-construction with the exception of lot square footage.
4. 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.

Public Hearing

Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1223.

Jonathan Porta, 1603 Howard Ave, Billings, MT 59102

Mr. Porta currently lives at 304 16th Street West and is requesting the Variance for financing purposes. He has no other plans for the dwelling at this time.

At 6:13 p.m. Chairman Bollman closed the public hearing, and called for a motion.

Motion

Board member Chesarek made a motion and Board member Olson seconded the motion to conditionally approve City Variance #1223 with the conditions and Findings of Fact presented by Staff.

Discussion

Chairman Bollman called for discussion on the motion. There was none.

Board member	Yes	No	Abstain	Not Present
Jeff Bollman	x			
James Olson	x			
Paul Hagen	x			
Frank Chesarek	x			
Oscar Heinrich	x			
Martin Connell	x			
Mark Noennig	x			

The motion passed 7-0. City Variance #1223 is conditionally approved.

Chairman Bollman asked for the presentation of Variance # 1224. Nicole Cromwell presenting.

Item #2 Variance 1224 – Clear Vision at Intersections – Silver Creek Estates – A variance from Section 27-615 requiring a prescribed clear vision at street intersections and from Section 27-604 prescribing a maximum fence height in a clear vision zone to allow an AASHTO specific clear vision zone at the intersections of Gold Creek Trail and 50th St West; Elk Ridge Trail and 46th St West; and Silver Creek Trail and 46th St West in a Residential 9,600 (R-96) zone on Lots 1 and 36, Block 1; Lots 1 and 20, Block 2; and Lots 1 and 27, Block 5 of Silver Creek Estates. Tax IDs: A35826, A35861, A35884, A 35927, and A35953.

RECOMMENDATION

Staff recommends conditional approval of the variance.

Staff is recommending the following conditions for the increased maximum lot coverage variance request:

1. The variance approved is from 27-615(b) to allow a clear vision of 25 feet by 25 feet as measured at the property lines and as shown on the site plan and a variance from 27-604(c) to allow a fence over 4 feet in height in the front yard setback as shown on the site plan.
2. The variance is limited to Lots 1 & 36, Block 1; Lots 1 & 20, Block 2; and Lots 1 & 27, Block 5 of Silver Creek Estates Subdivision.
3. Construction of the fence at the corner lots will be done with site specific fence permits for each lot. Such permit shall be accompanied by an individual site plan and elevation drawing of the proposed fence.
4. Fence permits for the corner lots on 46th St West will be submitted within 30 days of Board approval and the construction completed within 3 months.
5. Fence permits for the corner lots on 50th St West will be submitted within 3 years of Board approval and the construction completed with 3.5 years of Board approval.
6. No construction on any fence will occur between 8 pm and 7 am daily.
7. Failure to begin or complete the approved actions on the variance will void the approved variance.
8. 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 where the 6 foot or 4 foot fences are. Nicole explained the transitional areas where the fence would angle from 6 foot to 4 foot.

Public Hearing

Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1224.

Gordon Bean, 1216 Custer Ave Billings, MT

Mr. Bean of KLJ is an agent for the owner Laura Boyer, Developer.

The reason for asking for this variance is the developer realized this fencing was going to look different than the development to the south. The developer wished the job to look intentional. The transition panels look nice and we wish to imitate them. Board member Noennig stated it appears the 25 x 25 is a better deal. Why are you changing it? Mr. Bean stated the long taper isn't appealing to the eye and does not match other existing fences.

At 6:30 p.m. Chairman Bollman closed the public hearing, and called for a motion.

Motion

Board member Cheserek made a motion and Board member Connell seconded the motion to conditionally approve City Variance #1224 with the conditions and Findings of Fact presented by Staff.

Discussion

Chairman Bollman called for discussion on the motion. There was none.

Board member	Yes	No	Abstain	Not Present
Jeff Bollman	x			
James Olson	x			
Paul Hagen	x			
Frank Chesarek	x			
Oscar Heinrich	x			
Martin Connell	x			
Mark Noennig	x			

The motion passed 7-0. City Variance #1224 is conditionally approved.

Other Business/Announcements:

- Mr. Oscar Heinrich was introduced and talked about his previous credentials with the YC Zoning Board, YC Board of Adjustment and working with the Shiloh and West End Master Plans.
- Election of officers for the 2016 Board year is delayed and is to be put on the April agenda.

Board member Olson made a motion to adjourn and Board member Connell seconded.

Adjournment: 6:34p.m.

ATTEST: DRAFT. To be approved by a motion on April 6, 2016

