

**CITY BOARD OF ADJUSTMENT**

MINUTES October 5, 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	Board member	-	-	1	E	1	1	1	A	1	E		
James Olson	Board member	-	-	1	1	E	1	E	R	R	R		
Paul Hagen	Board member	-	-	1	1	1	1	1	1	E	1		
Frank Chesarek	Vice Chairman	-	-	1	1	1	1	1	A	A	1		
Oscar Heinrich	Board member	-	-	1	1	1	1	1	1	1	1		
Martin Connell	Board member	-	-	1	1	1	E	1	1	1	1		
Mark Noennig	Chairman	-	-	1	1	1	1	1	1	1	E		

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
<b>Variance</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>3</b>	<b>3</b>	<b>1</b>			<b>22</b>

Vice Chairman Chesarek 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 3<sup>rd</sup> 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 and Robbin Bartley, Administrative Support.

**Attending**

Dean Bargaen

**Public Comment**

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

**Approval Meeting Minutes**

Board member Connell made a motion for the approval of September 7, 2016, minutes. Board member Hagen seconded the motion. Minutes were approved by unanimous voice vote 4-0.

**Disclosure of Conflict of Interest**

Vice Chairman Chesarek asked for disclosures of conflict of interest.

Board member	Yes	No	Not Present
Jeff Bollman			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 or visit the site and this should be communicated to the Board members in a public forum.

Board member	Yes	No	Site visit?	Not Present
Jeff Bollman				x
██████████				
Paul Hagen		x	y	
Frank Chesarek		x	n	
Oscar Heinrich		x	n	
Martin Connell		x	y	
Mark Noennig				x

**Public Hearings**

Zoning Coordinator Nicole Cromwell reviewed the procedures for public hearings 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 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 4 Board members attending. A unanimous vote is necessary to approve requested variances.

Nicole Cromwell read the legal description for **Variance #1243**:

Karen Husman presenting:

**Variance 1243 – 429/431 Nelson Drive – Lot Area** - A variance from 27-308 requiring a minimum lot area of 9,600 square feet for a two-family dwelling to allow a lot area of 7,500 square feet for an existing two-family dwelling in a Residential 7,000 (R-70) zone on Lot 10, Block 7, Rosedale Subdivision, 2<sup>nd</sup> Filing. The request is the result of a plan review error that occurred in 2008 approving the addition of a dwelling unit. Tax ID: A13616.

Staff indicated during the presentation there is an additional shed attached to the side of the garage addition that does not meet set back requirements and was not included in the building permit issued in 2008. This shed structure is not included in this Variance.

**RECOMMENDATION**

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval.

**Discussion**

Vice Chairman Chesarek asked the members of the Board for questions and discussion. Board member Heinrich asked if the intent is to receive a rebuild letter. Staff replied yes.

**Public Hearing**

Vice Chairman Chesarek opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1243**.

**Dean Bargaen, owner, 429 Nelson, Billings, Mt**

Mr. Bargaen explained his position on this old issue. He stated he was never told that he would not be able to sell or refinance his home without a variance.

**Opposed** – none

**Discussion**

Board member Connell was impressed with the letter of support written by Scott Lake and a copy was given to Mr. Bargaen.

Vice Chairman Chesarek called for a motion.

Board member Heinrich made a motion and Board member Connell seconded the motion to approve **City Variance #1243** with the Findings of Fact presented by Staff.

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

**The motion to approve City Variance #1243 passed 4-0.**

**Other Business/Announcements:**

The next meeting will be on November 2, 2016.

Adjournment: 6:16 p.m.

**ATTEST: Approved by a motion on November 2, 2016**

