CITY BOARD OF ADJUSTMENT

MINUTES: June 4, 2008

Leon Pattyn, Chairman called the meeting to order at 6:00 p.m. The City Board of Adjustment met in the City Council Chambers.

Name	Title	01/03/08	02/06/08	03/06/08	04/02/08	05/02/08	06/04/08	07/02/08	08/06/08	09/03/08	10/08/08	11/06/08	12/03/08
Leon Pattyn	Chairman	Cancelled	1	A	1	1	1						
Barbara Walborn	Boardmember		1	A	1	1	A						
Lyn McKinney	Boardmember		1	A	1	A	1						
Troy Boucher	Vice Chair		1	1	1	1	A						
Daniel Eggen	Boardmember		A	1	1	1	1						
Brent Nelson	Boardmember		1	1	A	A	1						
Paul Cox	Boardmember		1	1	1	A	1						

TOTAL NUMBER OF APPLICATIONS 2008	01/03/08	02/06/08	03/06/08	04/02/08	05/02/08	06/04/08	07/02/08	08/06/08	09/03/08	10/08/08	11/06/08	12/03/08	TOTAL
Variance	**0**	**2**	**2**	**2**	**2**	**2**							

Chairman Pattyn asked Nicole Cromwell, Zoning Coordinator to introduce the City Board of Adjustment Members and Planning Department Staff. The following staff was in attendance:

Nicole Cromwell, Planner II/Zoning Coordinator
Lora Mattox, Planner II
Elizabeth Allen, Planning Clerk

Public Comment:

There were none.

Approval of minutes:

On a motion by Boardmember Eggen, seconded by Boardmember McKinney and approved with a 5-0 voice vote the minutes of May 7, 2008 were approved.

PUBLIC HEARINGS:

Chairman Pattyn asked Ms. Cromwell to read the determinations for granting a variance as well as review the rules for the procedure by which the public hearings will be conducted.

Ms. Cromwell reviewed the procedures by which the meeting is conducted. She read the determinations for granting a variance.

Public Hearing:

Return Item #1: - City Variance #1028 – 2409 Rosewyn Lane - A variance from BMCC 27-308 requiring a minimum 19,200 square feet of lot area for two single family dwellings to allow a minimum of 14,000 square feet of lot area for an existing and a proposed new single family dwelling on Lot 3 of Srite Acres Subdivision in a Residential 9,600 (R-96) zone. Tax ID: A14554, Kincaid Land, LLC, is the owner and Engineering, Inc. is the agent.

Ms. Cromwell read the legal description and **Lora Mattox** reviewed the staff report with an overhead PowerPoint presentation for the audience and reviewed the surrounding properties while explaining the existing zoning of the subject property. She said staff is forwarding a recommendation of denial. The applicant has asked for a 30 day delay before the Board makes its decision.

Discussion:

Applicant:

Boardmember Eggen asked that if there is an existing single family home on the lot and asked if they would comply with all other zoning. Lora stated that there is a single family home on the lot and the site plan looks as though they are in compliance with all other zoning requirements.

David Casper, 1300 N Transtech Way, Engineering, Inc. agent for applicant. David passed out some photos and a site plan. Approval of this variance would allow the applicant to split a 14,000 sq foot lot into two 7000 sq foot lots. This would help add an additional affordable home to the area. This is near a commercial area and there should be a little higher density in this area.

Boardmember McKinney asked if this will fit the lots coverage required. **David** stated that this will fit under the 30% lot coverage.

Gene Culver stated that this is the best floor plan to fit the neighborhood. It has been modified and it will have a large basement. This is infill development that will not add to additional strain to city services. This is a close property that will allow for a work force family to live in Billings. They will be hooking into city services in the street. There is no alley at the rear of this property so there is more usable space that is actually shown. The alley has been fenced off.

Boardmember Pattyn asked if the alley is dedicated.

Ms. Cromwell stated that the alley is platted but it is smaller than the normal width. It seems to have never been built.

Proponents:

Opponents:

Shelly Rough, 2403 Rosewyn, she live directly south of this property. The current home is used as a rental and she suspects that the second home will be. The renter is noisy and leaves trash around the area and they would prefer to not have a second renter on the same lot. The traffic around the Poly Food Basket is very busy especially in the mornings and she fears that more traffic in the area would make it dangerous.

Rebuttal:

David Casper he understands the neighbors concern about rentals. The applicant is planning on selling both properties so that should help with renters. He doesn't feel that this development will add to the traffic around the Poly Food Basket.

Boardmember Nelson spoke to Gene Culver and stated that having renters in the new home would be a hardship for the neighbors. Gene stated that he has no intention of putting a rental on this

property. He stated that they have worked on the single family home on this property and made it more livable and he plans to sell both homes.
The public hearing closed at 6:24 p.m.

Motion:

On a motion by Boardmember Cox, seconded by Boardmember McKinney to approve and failed by a 3-2 voice vote Variance #1028 was denied.

Motion:

Boardmember	Yes	No	Abstain	Not Present
Leon Pattyn		X		
Barbara Walborn				X
Lyn McKinney		X		
Troy Boucher				X
Daniel Eggen	X			
Brent Nelson	X			
Paul Cox	X			

Discussion:

Boardmember Cox stated that there are several letters from people who wished to speak in opposition at last months hearing and were unable to because the board was unable to hold a public hearing. He is very concerned about the opposition from the neighborhood.
Ms. Cromwell stated that if the board is considering approval of the zone change they should consider appropriate conditions to help buffer the neighborhood including timelines, landscaping and other conditions.
The board discussed whether this would be turned into condos, if they would be sold together or if they would be subdivided.
Boardmember Cox does feel that this is an infill project.
Gene Culver stated that he would like to subdivide this property.

Item #2: City Variance #1029 – Billings Logan International Airport – Land Use Contrary to Zoning - MCA 76-2-402 - A request to hold a public forum to receive comment on a proposal to re-construct airport security fencing with barbed wire at a height of 7 feet above grade contrary to the requirements of BMCC 27-604(g) requiring barbed wire be placed at least 8 feet above grade on Tracts 1 & 2, C/S 2334; the SE1/4 of Section 30, T1N, R26E; Tracts A, B, C, & D of C/S 1805; Tract 2 of C/S 678 and Tracts 1B3 and 1B-2 of C/S 1434 in a Public (P) zone. Tax ID: D05626, D05627, D05617B, D05623, D05629, D05630, D05631, D05632. City of Billings Aviation & Transit, owner and Donald Kim Annin, is the agent.

Ms. Cromwell read the legal description and **Lora Mattox** reviewed the staff report with an overhead PowerPoint presentation for the audience and reviewed the surrounding properties while explaining the existing zoning of the subject property. She said staff is forwarding a recommendation that the board hear a public hearing.

Public Comment:

Public hearing opened at 6:38 p.m.
Boardmember McKinney asked what the situation in this area is with antelope and deer.

Donald Kim Annin stated that they have very few antelope but a lot of deer. They deer very rarely jump the fence at the airport.
Boardmember Nelson asked if this will be razor or barbed wire.
Donald Kim Annin stated that it will be barbed wire and it will be about 20,000 feet long (4 miles).
Public hearing opened at 6:42 p.m.

Other Business:

Adjournment:
The meeting was adjourned at 6:44 p.m.

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Leon Pattyn, Chairman

ATTEST:

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Elizabeth Allen, Planning Clerk