

CITY BOARD OF ADJUSTMENT

MINUTES: December 3, 2008

Troy Boucher, Chairman Pro Tem called the meeting to order at 6:04 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 (resigned 10/26/08)	Chairman	Cancelled	1	A	1	1	1	Cancelled	1	A	1	V	V
Barbara Walborn	Boardmember		1	A	1	1	A		1	1	1	1	A
Lyn McKinney	Boardmember		1	A	1	A	1		1	1	1	1	A
Troy Boucher	Chairman Pro Tem		1	1	1	1	A		A	1	1	1	1
Daniel Eggen	Boardmember		A	1	1	1	1		A	1	1	1	1
Brent Nelson	Boardmember		1	1	A	A	1		A	1	A	1	1
Paul Cox	Boardmember		1	1	1	A	1		1	1	A	1	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	3	3	5	2	2	1	26

Chairman Boucher 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
- Dave Green, Planner I
- Elizabeth Allen, Planning Clerk

Public Comment:

There were none.

Approval of minutes:

On a motion by Boardmember Eggen, seconded by Boardmember Cox and approved by a 4-0 voice vote the minutes of November 6, 2008 were approved.

PUBLIC HEARINGS:

Chairman Boucher 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 Hearings:

Item #1: City Variance #1039 – 2822 8th Ave South & 811 South 29th Street – A variance from BMCC 27-308 requiring a minimum lot size of 13,000 square feet, for one single family home and one duplex on a single lot, to allow a lot area of 6,500 for an existing single family home and an existing duplex, in a Residential 6000 (R-60) zone, on Lots 17 & 18, Block 232, Billings Original Town. Tax ID: A01752. Cornerstone Homes, LLC owner.

The board gave the applicant the choice of delaying the application because there are only 4 members of the board present. The applicant decided to have the board hear the application at this meeting.

Ms. Cromwell read the legal description and **Dave Green** 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. He said staff is forwarding a recommendation of conditional approval.

Discussion:

Boardmember Eggen asked if the conditions would require the property to be rebuilt in conformance with setbacks if a structure were destroyed more than 50%. **Mr. Green** stated that they would have to meet setbacks but they have enough lot size to meet the setbacks easily.

Applicant:

Rebecca Anderson, owner of Cornerstone Homes, this property is a rental property that provides people of lower income housing on the south side and it is a benefit to the area. If the property were more than 50% destroyed they would like to have the ability to rebuild.

Proponents:

There were none.

Opponents:

There were none.

The public hearing closed at 6:41 p.m.

Motion:

On a motion by Boardmember Cox, seconded by Boardmember Eggen and approved with a 4-0-3 voice vote Variance #1039 was approved with the following conditions:

1. Any future rebuilds or remodel of the subject structures will need to be done in compliance with the City's adopted building code, zoning code, which includes setbacks and lot coverage, and other City regulations in place at that time of rebuild, with the exception of lot size.

Discussion:

There was none.

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			

Other Business:

The Board discussed the applications that have been submitted for next months meeting.

Adjournment:

The meeting was adjourned at 6:27 p.m.

Troy Boucher, Chairman-Pro-Tem

ATTEST:

Elizabeth Allen, Planning Clerk