

CITY BOARD OF ADJUSTMENT

MINUTES: July 1, 2009

Draft to be approved on August 5, 2009

Chairman Troy Boucher called the meeting to order at 6:10 p.m. The City Board of Adjustment met in the City Council Chambers.

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

TOTAL NUMBER OF APPLICATIONS 2009	01/07/09	02/04/09	03/04/09	04/01/09	05/06/09	06/03/09	07/01/09	08/05/09	09/02/09	10/07/09	11/04/09	12/02/09	TOTAL
Variance	2	1	1	2	4	2	1						

Chairman Boucher asked Lora Mattox, Transportation Planner to introduce the City Board of Adjustment Members and Planning Department Staff. The following staff was in attendance:

- Lora Mattox, Transportation Planner
- Tamara Deines, Planning Clerk

Public Comment:

Chairman Boucher 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 Boucher closed the public comment period at 6:13 p.m.

Approval of minutes: June 3, 2009

Chairman Boucher called for approval of the June 3, 2009 minutes. Boardmember Eggen requested a correction to Barbara Walborn's last name on page 1 along with an adjustment to the voice vote count.

Motion:

On a motion by Boardmember Eggen seconded by Boardmember Walborn the minutes of June 3, 2009 were approved as corrected with a 4-0 voice vote.

PUBLIC HEARINGS:

Chairman Boucher asked Ms. Mattox 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. Mattox reviewed the procedures by which the meeting is conducted and the determinations for granting a variance.

Public Hearings:

Item #1: City Variance #1052 – 420 & 420 ½ Burlington Avenue – A variance from 27-308 requiring a minimum lot area of 14,000 square feet for two separate existing dwelling units to allow 5,320 square feet; from 27-308 requiring a minimum rear setback of 20 feet to allow a 5 foot rear setback for an existing dwelling; from 27-308 allowing a maximum lot coverage of 30% to allow a maximum lot coverage of 33% on a 5,320 square foot parcel, Lot 36 and the west 13 feet of Lot 37, Block 33, Suburban Homes Addition, in a Residential 7,000 (R-70) zone. Approval of the variance would allow the existing dwellings and accessory buildings to be re-built if destroyed or damaged. Tax ID: A15156. Benjamin Payne, owner and Tyler LaMont, agent. Council Ward III

Ms. Mattox read the legal description.

REQUEST

The applicant is requesting a variance from BMCC 27-308 requiring a minimum lot area of 14,000 square feet for two existing single family dwellings to allow a minimum lot area of 5,320 square feet; from 27-308 requiring a minimum rear setback of 20 feet to allow a 5 foot rear setback for an existing dwelling; and from 27-308 allowing a maximum lot coverage of 30% to allow a maximum lot coverage of 33% in a Residential 7,000 (R-70) zone. The property is legally described as Lot 36 and the west 13 feet of Lot 37, Block 33, Suburban Homes Addition and is addressed as 420 and 420 ½ Burlington Avenue. No work is planned on either residence but this variance will allow the existing dwellings and accessory buildings to be re-built if destroyed or damaged.

Staff is recommending conditional approval of the proposed variance.

Ms. Mattox gave an overview of 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 reviewed the staff recommended conditions of approval:

Staff is recommending the following conditions for the variance request:

1. The variance is to reduce the required lot area from 14,000 square feet for two single family dwelling units to its current area of 5,320 square feet; to increase the maximum lot coverage from 30% to 33%; and to decrease the rear setback from 20 feet to 5 feet. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 36 and the west 13 feet of Lot 37, Block 33, Suburban Homes Addition.
3. If the dwelling units or accessory structures are re-constructed in the future they must meet all other requirements of the zoning regulations with the exception of the variances noted above.

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 Boucher asked the members of the Board for questions or discussion. There was none.

Applicant:

Chairman Boucher called for presentation by the applicant.

Benjamin Payne, owner, 2704 S. Gregory Drive, Billings, Montana

Mr. Payne stated that this application has been submitted for insurance purposes so that both houses can be rebuilt instead of just the one house. He said that he intends to sell the property to Mr. LaMont.

Chairman Boucher opened the public hearing at 6:19 p.m. and called for proponents or opponents of City Variance #1052, 420 & 420 ½ Burlington Avenue, Billings, Montana. There were none. Chairman Boucher closed the public hearing at 6:20 p.m.

Motion:

On a motion by Boardmember Walborn and seconded by Boardmember Bollman and approved with a 4-0 roll call vote Variance #1052 was conditionally approved with the following conditions:

- 1. The variance is to reduce the required lot area from 14,000 square feet for two single family dwelling units to its current area of 5,320 square feet; to increase the maximum lot coverage from 30% to 33%; and to decrease the rear setback from 20 feet to 5 feet. No other variance is intended or implied with this approval.**
- 2. The variance is limited to Lot 36 and the west 13 feet of Lot 37, Block 33, Suburban Homes Addition.**
- 3. If the dwelling units or accessory structures are re-constructed in the future they must meet all other requirements of the zoning regulations with the exception of the variances noted above.**
- 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 Boucher called for discussion on the motion. There was none.

Chairman Boucher called for the roll call vote:

Boardmember	Yes	No	Abstain	Not Present
Jeff Bollman	1			
Barbara Walborn	1			
Lyn McKinney				x
Troy Boucher	1			
Daniel Eggen	1			
Brent Nelson				x
Paul Cox				x

Other Business/Announcements:

There were no other business items or announcements.

Adjournment:

A motion was made by Boardmember Eggen and seconded by Boardmember Bollman to adjourn the meeting.

Motion carried unanimously. The meeting was adjourned at 6:28 p.m.

Draft to be approved on August 5, 2009.

Troy Boucher, Chairman

ATTEST:

Tamara L. Deines, Planning Clerk