

**CITY BOARD OF ADJUSTMENT**

**MINUTES: August 5, 2009**

*Draft to be approved on September 2, 2009*

Vice - Chairman Lyn McKinney 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	1				
Barbara Walborn	Boardmember	1	1	1	1	1	1	1	E				
Lyn McKinney	Vice-Chair	1	1	1	1	1	1	E	1				
Troy Boucher	Chairman	1	1	1	1	1	E	1	E				
Daniel Eggen	Boardmember	1	1	1	1	1	1	1	E				
Brent Nelson	Boardmember	A	A	A	1	E	1	E	1				
Paul Cox	Boardmember	1	1	1	1	1	1	E	1				

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	1					

Vice-Chair Lyn McKinney asked Nicole Cromwell to introduce the City Board of Adjustment Members and Planning Department Staff.

**Public Comment:**

Vice-Chair McKinney 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.

Vice-Chair McKinney closed the public comment period.

**Approval of minutes: July 1, 2009**

Vice-Chair McKinney called for approval of the July 1, 2009 minutes. She asked that a correction be made on page 1 of 4 to correct the spelling of “Wallborn” to read “Walborn”.

**Motion:**

*On a motion by Boardmember Bollman and seconded by Boardmember Cox the minutes of July 1, 2009 were approved as corrected with a 4-0 voice vote.*

## **PUBLIC HEARINGS:**

Vice-Chairman McKinney 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 and the determinations for granting a variance. She noted that under State Law, four Board members are required to approve a variance. She stated that a unanimous vote in favor of the variance will be needed for this application to pass. She said that the applicant has the opportunity to withdraw or delay the request. The applicant agreed to go forward with his application.

## **Public Hearings:**

**Item #1: City Variance #1053 – 418 Cook Avenue** – A variance from 27-308 requiring a minimum lot area of 17,000 square feet for a duplex dwelling unit and a four-plex dwelling unit to allow 10,080 square feet on the East 22 feet of Lot 34, Lots 35 & 36, Block 24, Yellowstone Addition Subdivision in a Community Commercial (CC) zone. Approval of the variance would allow the existing dwellings to be re-built if destroyed or damaged. Tax ID: A19313. Michael Stock, owner and Randy Bjelkevig, agent.

Ms. Cromwell read the legal description.

## **REQUEST**

Staff is recommending conditional approval of the proposed variance.

Ms. Cromwell 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 17,000 square feet for a duplex and a 4-plex dwelling to its current area of 10,080 square feet. No other variance is intended or implied with this approval.
2. The variance is limited to East 22 feet of Lot 34, Lots 35 & 36, Block 24, Yellowstone Addition Subdivision.
3. If the dwelling units 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:**

Vice-Chair McKinney asked the members of the Board for questions or discussion. Boardmember Nelson asked regarding the available parking needed should be facility is rebuilt. Ms. Cromwell

stated that nine off-street parking spaces would be required if the facility were rebuilt. She gave further clarification and stated that a site development variance may be needed in this situation.

Vice-Chair McKinney opened the public hearing at and called for proponents of City Variance #1053, 418 Cook Avenue, Billings, Montana.

**Tom Roe, 929 Avenue C, Billings, Montana**

Mr. Roe stated that he works with “Downtown Realty” and is representing the owner, Michael Stock. He said that the applicant has applied for this variance to obtain financing. He noted that most mortgage companies will not lend without a rebuild letter. He said that this application will not change the makeup of the property.

Vice-Chair McKinney called for proponents or opponents of City Variance #1053, 418 Cook Avenue, Billings, Montana. There were none. Vice-Chair McKinney closed the public hearing.

**Motion:**

***On a motion by Boardmember Cox and seconded by Boardmember Bollman and approved with a 4-0 roll call vote Variance #1053 was conditionally approved with the following conditions:***

1. The variance is to reduce the required lot area from 17,000 square feet for a duplex and a 4-plex dwelling to its current area of 10,080 square feet. No other variance is intended or implied with this approval.
2. The variance is limited to East 22 feet of Lot 34, Lots 35 & 36, Block 24, Yellowstone Addition Subdivision.
3. If the dwelling units 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:**

Vice-Chair McKinney called for discussion on the motion. There was none.

Vice-Chair McKinney called for the roll call vote:

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

**Other Business/Announcements:**

There were no other business items or announcements. Ms. Cromwell stated that she will review the minutes and note the Board's direction for the ByLaws. She said that she hopes to bring more information forward in October. She stated that Boardmember Bollman will be absent for the September 2nd Board of Adjustment meeting.

**Adjournment: 6:25 pm**

*Draft to be approved on September 2, 2009.*

---

**Vice-Chair Lyn McKinney**

**ATTEST:**

---

**Nicole Cromwell, Zoning Coordinator**