

CITY BOARD OF ADJUSTMENT

MINUTES: JANUARY 5, 2011

To be approved by a motion on February 2, 2011

Name	Title	01/06/11	02/02/11	03/02/11	04/06/11	05/04/11	06/01/11	07/06/11	08/03/11	09/07/11	10/05/11	11/02/11	12/07/11
Jeff Bollman	Chairman	1											
Paul Cox	Boardmember	1											
Daniel Eggen	Vice Chairman	1											
Neil Kiner	Boardmember	1											
Barbara Walborn	Boardmember	1											
Vacant	Boardmember	-											
Vacant	Boardmember	-											

TOTAL NUMBER OF APPLICATIONS 2011	01/06/11	02/02/11	03/03/11	04/06/11	05/04/11	06/01/11	07/06/11	08/03/11	09/07/11	10/05/11	11/02/11	12/07/11	TOTAL
Variance	1												1

Chairman Bollman called the meeting to order at 6:05 p.m. The City Board of Adjustment met in the City Council Chambers.

Chairman Bollman asked Nicole Cromwell to introduce the City Board of Adjustment Members and Planning Department Staff. The attending Staff member is Nicole Cromwell, Zoning Coordinator.

Public Comment:

Chairman Bollman 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 Bollman closed the public comment period at 6:06 p.m.

Approval of minutes: December 1, 2010

Chairman Bollman called for approval of the December 1, 2010 minutes. Boardmember Eggen requested a correction to denote that Boardmember Paul Cox was not in attendance. Boardmember Bollman called for a correction on page 3, being deletion of the duplicate introductory statement under the public hearing paragraph.

Motion:

On a motion by Boardmember Eggen, and seconded by Boardmember Kiner, the minutes of December 1, 2010 were approved as corrected.

Disclosure of Conflict of Interest

There was no disclosure of conflict of interest.

Disclosure of Outside Communication

Nicole Cromwell explained there are times that applicants communicate directly with Board members and this should be communicated to the Board members in a public forum. She stated that written ex-parte communication to the Board is available to the public in the Ex-Parte Notebook. One letter was received by Staff other than what was submitted to the members of the Board in the meeting packets. The letter is in the Ex Parte Notebook in the public seating area.

PUBLIC HEARINGS:

Chairman Bollman 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 pointed out that there are two vacancies on the Board of Adjustment and that opportunities will be given to the applicants if they wish to delay their application until a full Board is available. The next meeting will be February 2, 2011.

Public Hearings:

City Variance #1084 – 3636 Relay Drive - A variance request from Article II.B. of the Planned Development Agreement for Olympic Park Subdivision requiring a 5 foot side setback to allow a 3 foot side setback for a garage addition to an existing home in an underlying Residential 9,600 (R-96 – PD) zone on Lot 10, Block 14, Olympic Park Subdivision located at 3636 Relay Drive a 7,000 square foot parcel land. Tax ID: C10132, Leslie and Dena Parkhill, owners and Monte Cook, agent.

Ms. Cromwell read the legal description and opened with a PowerPoint presentation which reviewed the request and recommendation below.

REQUEST

The applicant is requesting a variance to decrease the required side yard setback from 5 feet to 3 feet to allow the construction of a garage addition to an existing home. The subject property is located within the Olympic Park Planned Development zone and has an underlying zone of Residential 9,600 (R-96). The parcel is 7,000 square feet and is described as Lot 10, Block 14 of Olympic Park Subdivision. The property owners are Leslie and Dena Parkhill and Monte Cook is the agent. Planning staff is recommending conditional approval of the proposed variance.

RECOMMENDATION

Staff is recommending the following conditions for the variance request:

1. The variance is to decrease the side setback from 5 feet to 3 feet for the purpose of constructing an attached garage. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 10, Block 14, Olympic Park Subdivision generally located at 3636 Relay Drive.
3. The proposed garage addition shall be located and developed in substantial conformance with the submitted site plan.

4. The applicant shall receive approval for a building permit within 6 months of Board approval. Construction of the attached garage shall be completed within 18 months of Board approval.
5. Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.
6. 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.

Ms. Cromwell reviewed the criteria for review and the staff findings for this application.

Discussion

Chairman Bollman called for questions and discussion from the members of the Board. Boardmember Walborn asked who the author of the citizen letter was. Nicole Cromwell stated that although there was no return address, it appears that it was written by Lauren Chase, who lives on Coliseum Drive and was included on the surrounding property owners' list. Boardmember Eggen asked if there is a timeframe for Condition of Approval #5. Nicole Cromwell stated that this is addressed in Condition of Approval #4 which stated that construction must be completed within 18 months of Board approval. Boardmember Bollman and Nicole Cromwell clarified the zoning of the property as requested by Boardmember Eggen. Boardmember Kiner asked if there is any issue with the square footage of the attached garage. Nicole Cromwell stated in general when considering an accessory use, the accessory structure cannot exceed the square footage of the principal structure. She explained that in this case the principal structure is a split level home and the living area in the house still exceeds the accessory area. Boardmember Eggen asked about architectural reviews and CCRs for this property. Nicole Cromwell stated that there are CCRs in place but a review committee is no longer in effect. She said that the CCRs require a 5-foot setback and this zoning variance will not release the applicant from this restriction. Boardmember Cox asked if the other surrounding property owners are located in the same subdivision, and Nicole Cromwell gave an overview of the listed properties. In response to Boardmember Walborn, Nicole Cromwell stated no other favorable comments were received either than the letter received yesterday.

Public Hearing

Chairman Bollman asked the members of the Board for questions or discussion. Chairman Bollman opened the public hearing and called for the applicant's presentation or for proponents of City Variance #1084 – 3636 Relay Drive.

Applicant

Leslie Parkhill, 3636 Relay Drive, Billings, Montana

Ms. Parkhill stated that they have never had a garage but would like to have one to store their vehicles and equipment.

Discussion

Chairman Bollman asked the members of the Board for questions and discussion.

Boardmember Kiner commented that the proposed garage appears larger than a standard garage. Mr. Parkhill stated that this will allow three vehicles to come off of the street. In response to Boardmember Kiner, Mr. Parkhill stated that there will not be a west side access. Boardmember Eggen asked if Mr. Parkhill is comfortable with knowing the Covenants and Restrictions could haunt him even if the variance is approved. Mr. Parkhill stated that he is willing to take that chance. Boardmember Bollman suggested that Mr. Parkhill review the Covenants to see if there is a mechanism within them to change the private restriction if the variance is approved.

Opponents

Chairman Bollman called for anyone else wishing to speak in favor of City Variance #1084.

Kathy Shay, 3648 Relay Drive, Billings, Montana

Ms. Shay stated that she resides west of this property. She said that she sees no problems with this proposal and is in favor of this request.

Monte Cook, (no address given), Billings, Montana

Mr. Cook is the builder and agent for these applicants. He stated that the applicants wish to do updates on the house along with the garage addition. He stated that the proposed plan fits their needs. Boardmember Kiner asked regarding the 2-foot request. Mr. Cook stated that the extra 2-feet will allow extra room for the double garage. He said that 21 feet would be too tight to open both car doors. Boardmember Cox asked regarding the plumbing. Mr. Cook replied that there will be no plumbing and that they plan to build a firewall between the house and the garage.

Chairman Bollman called for opponents of City Variance #1084. There was none.

Motion:

A motion was made by Boardmember Eggen and seconded by Boardmember Cox to approve Variance #1084-3636 Relay Drive with the conditions recommended by staff.

Discussion:

Chairman Bollman called for discussion on the motion. Boardmember Cox stated that he felt that the Covenants and Restrictions are recognized.

Chairman Bollman called for the roll call vote on the motion.

Boardmember	Yes	No	Abstain	Not Present
Jeff Bollman	1			
Paul Cox	1			
Daniel Eggen	1			
Barbara Walborn	1			
Neil Kiner	1			
Vacant	-	-	-	-
Vacant	-	-	-	-

The motion carries 5-0 and City Variance #1084 is conditionally approved.

Other Business/Announcements:

- A. Announcement: The next City Board of Adjustment will be held on Wednesday, February 2, 2011 with one application to consider.
- B. Announcement: There are two vacancies on this Board. Interested persons are encouraged to apply.

Adjournment: 6:37 p.m.

On a motion by Boardmember Eggen and seconded by Boardmember Kiner the meeting was adjourned with a 5-0 voice vote.

Chairman Jeff Bollman

ATTEST:

Nicole Cromwell, Zoning Coordinator