



## CITY BOARD OF ADJUSTMENT AGENDA

City Council Chambers, 2<sup>nd</sup> Floor of City Hall, 220 N 27<sup>th</sup> Street  
Wednesday, April 6, 2011, at 6:00 p.m.

### NOTICE TO THE PUBLIC

#### **Public Comment:**

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Board of Adjustment during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

- I. **Call the meeting to order.**
- II. **Introduction of City Board of Adjustment Members and Planning Department Staff.**
- III. **Public Comment:**
- IV. **Approval of Minutes:** Of the meeting of March 2, 2011
- V. **Disclosure of any Conflict of Interest** – Board Members and Planning Staff
- VI. **Disclosure of any Outside (Ex Parte) Communication**– Board Members and Planning Staff  
The Ex Parte Communication Binder is available at the Sign-In and Agenda station
- VII. **Regular Business:**
  - A. Opening of public hearings.
  - B. Reading of rules for the procedure by which the public hearings will be conducted.
  - C. Reading of notices of the public hearings on the following items:

**Item #1: City Variance #1089 – 1735 Avenue C** – A variance request from Section 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 35%; from Section 27-310(i)1(8) requiring a maximum accessory building of 1,000 square feet on lots less than .25 of an acre to allow a maximum accessory building of 1,064 square feet in a Residential 7,000 (R-70) zone on Lots 4 & 5 and the east 10 feet of Lot 6, Block 8 Kober Subdivision 3<sup>rd</sup> Filing an 8,400 square foot parcel of land. Tax ID: A09766; Richele Sitton, owner and Larry Vigessa, architect and agent.

**Item #2: City Variance #1090 – 2508 & 2510 7<sup>th</sup> Avenue South – Department of Corrections – Land Use Contrary to Zoning** - A request to use public land contrary to zoning in order to construct a perimeter fence over 6 feet in height (27-604) and expand an outdoor area for inmates at the Montana Women's Prison (27-306). A new outdoor gardening program will be part of this area. MCA 76-2-402 allows any public agency to use public land contrary to zoning provided a public hearing is held by the Board of Adjustment. The board shall have no power to deny the proposed use but shall act only to

allow a public forum for comment on the proposed use. The property is described as Lot 1 and 4, Block 228, Billings Original Town in a Community Commercial (CC) zone, a 25,641 square foot parcel of land. Tax IDs A01711 & A01712; Department of Corrections, owner and Ira Eakin, agent.

**Item #3: City Variance #1091 – 2334 & 2336 Avenue B** – A variance request from Section 27-308 requiring a minimum lot area of 9,600 square feet for a two-family dwelling to allow a minimum lot area of 8,400 square feet; Section 27-310(i) requiring the maximum square footage of a detached accessory building not exceed the square footage of the first floor square footage of the primary residence or to exceed 1,000 square feet on a lot of less than .25 of an acre to allow a 1,296 square foot detached garage; Section 27-310(i) requiring a minimum side setback of 3 feet for a detached accessory building to allow a minimum side setback of 2 feet. All structures are existing and no re-building or reconstruction is planned at this time but approval of the variance(s) may allow rebuilding in the future. The property is in a Residential 7,000 (R-70) zone on Lot 20, Block 2 of Grand Vista Subdivision an 8,400 square foot parcel of land. Tax ID: A08100; Quentin Eggart, owner and Eggart Engineering, agent.

**Item #4: City Variance #1092 – 302 N 15<sup>th</sup> Street** – A variance request from Section 27-309 requiring a minimum side adjacent to street setback of 10 feet to allow a side adjacent to street setback of 5 feet to allow for the demolition and reconstruction of an existing and expanded commercial structure in a Controlled Industrial (CI) zone on Lots 1 through 8, Block 32, Billings Original Town a 28,000 square foot parcel of land. Tax ID: A00149; McDonnell Family Revocable Trust, Matthew McDonnell, owner and Eric Simonsen, A & E Architects, agent.

## **VIII. Other Business/Announcements:**

### **VIII. Adjournment**

\*Information on the preceding item(s) may be obtained at the Planning & Community Services Department, 4<sup>th</sup> Floor of the Parmly Library, 510 North Broadway or phone 247-8610. Anyone wishing to be heard on this matter may appear at this hearing.