

**CITY BOARD OF ADJUSTMENT**

MINUTES: APRIL 6, 2011

*Approved by a motion on June 1, 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	1	1	1								
Paul Cox	Boardmember	1	1	1	1								
Daniel Eggen	Vice Chairman	1	1	1	1								
Neil Kiner	Boardmember	1	1	1	1								
Barbara Walborn	Boardmember	1	E	E	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	4	4									10

Chairman Bollman called the meeting to order at 6:00 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. Attending Staff members are Nicole Cromwell, Zoning Coordinator; and Tammy Deines, Planning Clerk.

**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 6:03 p.m.

**Approval of minutes: March 2, 2011**

Chairman Bollman called for approval of the March 2, 2011 minutes. Daniel Eggen requested a correction on Page 4 of 11 to update the motion for City Variance #1085 and a consistency in the posting of absences throughout the minutes for Boardmember Walborn’s excused absence. Jeff Bollman asked for a deletion of a duplicate statement in the motion on page 3 of 11; and on Page 10, change applicant heading listing “Scott Swanson” to “Quentin Eggart”.

**Motion:**

*On a motion by Boardmember Kiner, and seconded by Boardmember Cox, the minutes of March 2, 2011 were approved as corrected with a 5-0 voice vote.*

### **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 noted the following letters are available to the public in the Ex Parte Communications notebook: Re: Variance #1091 from Ms. Judy Morell, 2329 Avenue B, Billings, Montana; Hugh & Mary Graham, 2330 Avenue B, Billings, Montana; and James Gameon, 2333 Avenue B, Billings, Montana.

### **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 there are two vacancies on the Board of Adjustment and opportunities will be given to the applicants if they wish to delay their application until a full Board is available. The next meeting is May 4, 2011.

### **Public Hearings:**

Ms. Cromwell read the legal description and gave the Staff presentation which reviewed the request and recommendation below.

**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.

### **REQUEST**

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 detached accessory structure of 1,000 square feet on lots less than .25 of an acre to allow a maximum detached accessory structure 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. Richele Sitton, owner and Larry Vigessa, architect and agent. Planning staff is recommending conditional approval of the proposed lot coverage variance and denial of the maximum accessory structure of 1,064 square feet.

### **RECOMMENDATION**

Staff is recommending the following conditions for the variance request:

1. The variance is to increase the maximum lot coverage from 30% to 35% on an 8,400 square foot lot. No other variance is intended or implied with this approval.
2. The variance is limited to Lots 4 & 5 and the east 10 feet of Lot 6, Block 8, Kober Subdivision generally located at 1735 Avenue C.

3. Any future rebuilds or remodel of the subject structures will need to be done in compliance with the City's adopted building code and site development code. With the exception of the maximum lot coverage allowed, all other zoning code requirements will apply.
4. The applicant shall receive approval for a building permit within 6-months of Board approval. Construction of the 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.

If the Board of Adjustment decides to also conditionally approve the request for a variance from Section 27-310(i)1(8) for a detached accessory structure of 1,064 square feet, the following condition may be applied:

1. Any detached accessory structure over 1,000 square feet may require a soil report and a frost protected foundation. A fire rated wall will be required on the west side of the garage. Additional review and conditions may be applied by the Building Division at time of building permit submittal.

### **Discussion**

Chairman Bollman called for questions and discussion from the members of the Board. In response to a question by Neil Kiner, Nicole Cromwell stated the rear setback is 6-feet for a detached structure with the garage entrance off of the alley. Barbara Walborn asked regarding the requirement for the water retention. Nicole Cromwell stated that City Engineering may want to see that the side with the 3-foot side setback has proper drainage. She stated there may be more requirements in the future and mitigation measures may include gutters and grating to prevent flow into the neighbor's yard.

### **Public Hearing**

Chairman Bollman opened the public hearing and called for the applicant's presentation or for proponents of City Variance #1089 – 1735 Avenue C.

### **Applicant**

#### **Larry Vigessa, (no address given), Billings, Montana**

Mr. Vigessa is the agent for the owners, John and Richele Sitton. Mr. Vigessa said that they would be willing to cut a foot off of the alley side and the house side to bring the garage size down to 988 square feet. He noted the 3-foot setback and said that they could move it to a 5-foot setback on the west side of the property.

#### **John Sitton, 1735 Ave C, Billings, Montana**

Mr. Sitton said they wish to provide as much play space for their child as possible and a shop area on end of the garage to secure his tools. He stated they plan to remove the two accessory sheds as they are deteriorating. He explained that this neighborhood favors those that are prepared and he prefers to have their belongings as secure as possible. Daniel Eggen asked how the change in plans will affect this request and Nicole Cromwell said that this may change it to a 34% lot coverage.

### **Discussion**

Chairman Bollman closed at 6:24 p.m. asked the members of the Board for questions and discussion.

**Motion:**

A motion was made by Boardmember Walborn and seconded by Boardmember Cox to approve City Variance #1089 – 1735 Avenue C with the conditions recommended by Staff.

**Discussion:**

Chairman Bollman called for discussion on the motion. Neil Kiner approving the request as written and not as the applicant presented.

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 #1089 is conditionally approved.*

Chairman Bollman called for presentation of agenda item #2, City Variance #1090-2508 & 2510 7<sup>th</sup> Avenue South. Ms. Cromwell reviewed the criteria for review and the staff findings for this application.

**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.

**REQUEST**

This item is being brought to the Board of Adjustment for a Public Forum to allow the Montana Women’s Prison install a security fence and develop an outdoor recreation area on two vacant lots north and east of the existing facility in a Community Commercial (CC) zone. Public agencies may use public land contrary to zoning if a public hearing is held before the Board of Adjustment. This authority is shown on the attached copy of MCA 76-2-402. Correctional facilities and ancillary uses are not an allowed use within the CC zoning district and fences greater than 3 feet in a front yard are not allowed. The applicant proposes to develop an outdoor recreation area with a garden and greenhouse and install fencing to provide security. State statute allows public agencies to use land contrary to zoning after a Public Forum is held by the local 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.

### **Discussion**

Chairman Bollman called for questions and discussion from the members of the Board. There was none.

### **Public Hearing**

At 6:31 p.m., Chairman Bollman opened the public hearing and called for the applicant's presentation for City Variance #1090-2508 & 2510 7<sup>th</sup> Avenue South.

### **Applicant**

#### **Ira Eakin, Department of Corrections, Billings, Montana**

Mr. Eakin is the staff attorney for the Department of Corrections. He stated they are here to request permission to put up a fence on the property. Mr. Eakin said the department is receiving grant funding for the establishment of gardens and growing programs on the properties owned by Montana State Prisons. He said this will provide fresh vegetables for the inmates and opportunities for horticulture education. Mr. Eakin explained that with any secure facility a perimeter fence must be installed for the protection of the community and is essential from a security standpoint.

#### **Bob Paul, Deputy Warden, Montana Women's Prison, 222 Brookshire Boulevard, Billings, Montana**

Mr. Paul said he is responsible for the security and maintenance of the facility. In response to a question by Barbara Walborn, Mr. Paul stated that the houses depicted in the aerial photo have been raised. Daniel Eggen asked about the time frames for construction. Mr. Paul replied and said the fence will be built first; and this is being done in response to the Governor's initiative to raise vegetables for augmentation of the dining facility and community outreach. In response to a question by Paul Cox, he said that there will be no increase in population.

Chairman Bollman asked there was anyone else wishing to speak in favor or against City Variance #1090-2508 & 2510 7<sup>th</sup> Avenue South. There was none. Chairman Bollman closed the public hearing at 6:37 p.m.

**\*\*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.**

Chairman Bollman called for presentation of agenda item #3, City Variance #1091-2334 & 2336 Avenue B. Ms. Cromwell reviewed the criteria for review and the staff findings for this application.

**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 re-construction 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.

### **REQUEST**

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 re-construction 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. 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 minimum lot size from 9,600 square feet to 8,400 square feet for an existing duplex, to increase the maximum detach accessory structure size from the not to exceed the square footage of the first floor of the primary residence or 1,000 square feet (whichever is less) to allow a maximum 1,296 square foot detached accessory structure and to decrease the minimum side setback for a detached accessory structure from 3 feet to 2 feet. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 20, Block 20 of Grand Vista Subdivision generally located at 2334 & 2336 Avenue B.
3. Any future rebuilds or remodel of the subject structures will need to be done in compliance with the City's adopted building code and site development code. With the exception of the minimum lot size required, maximum detached accessory structure size, and side setback for detached accessory, all other zoning code requirements will apply.
4. Any detached accessory structure over 1,000 square feet may require a soil report and a frost protected foundation. A fire rated wall will be required on the west side of the garage and no openings on the west side will be allowed. Additional review and conditions may be applied by the Building Division at time of building permit submittal.
5. 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 Bollman called for questions and discussion from the members of the Board. Nicole Cromwell noted that the Department of Revenue lists this property as a single family dwelling and not as a duplex. She stated a condition of approval may be appropriate that the property owner notify the Department of Revenue of the need for a correction. Barbara Walborn asked if there is sufficient room to rebuild a duplex without a variance. Nicole Cromwell explained that it would have to be built as an up-down duplex to stay within the lot area coverage. Clarification was

given to Ms. Walborn regarding the square footage of the primary structure. Ms. Walborn asked if the property owner could continue to rent this property as a duplex should this variance request be denied. In response to a question by Jeff Bollman, Nicole Cromwell explained that the house was built in 1955 and remodeled in 1980. She pointed out that the fees are charged and paid as a single family residence and the lower unit is accessed from the back door of the house. Daniel Eggen asked if the utilities are billed separately.

### **Public Hearing**

At 6:54 p.m., Chairman Bollman opened the public hearing and called for the applicant's presentation for City Variance #1091-2334 & 2336 Avenue B.

### **Applicant**

#### **Quentin Eggart, 6809 King Avenue West, Eggart Engineering, Billings, Montana**

Mr. Eggart said he has owned this house for 15 years. He is requesting the variance as the title company identified this parcel as a non-conforming property. Mr. Eggart explained he has completed several upgrades to the property including underground sprinkling, new roofing, interior and exterior paint, and vinyl fencing. He stated all of the improvements were done in the last six to seven years in order to maintain a quality looking house. Mr. Eggart said he has good neighbors and wishes to maintain a good relationship. He continued and stated the downstairs has been rented to one person who "turns wrenches" and had several vehicles, but is moving out. He said the upstairs renter is a single person who may have had a lot of overnight guests but it has not been operated as a "flop house". He pointed out that this property backs up to a casino and apartment housing so it is not out of character for this area. Mr. Eggart said the property will be vacant as the upstairs tenant is moving out on May 4, 2011. In response to a question by Neil Kiner, Mr. Eggart said the garage is accessible to the alley. He said that there is a 1,300 square foot garage with a bathroom. The utilities are on one meter but costs are split amongst renters. Mr. Eggart noted that there is a shared laundry room downstairs. He stated he is not aware of parking issues on the street or of the property being operated as a "flop house".

### **Discussion**

Chairman Bollman asked the members of the Board for questions and discussion. There was none. Chairman Bollman asked if there was anyone else wishing to speak in favor or against City Variance #1091.

#### **Hugh Graham, 2330 Avenue B, Billings, Montana**

Mr. Graham said that Mr. Eggart is an absentee landlord. He said that Mr. Eggart bought into a single family neighborhood and converted the property. Mr. Graham reported that they have had traffic and noise concerns. He said he is worried about the future of the neighborhood.

#### **James Gameon, 2333 Avenue B, Billings, Montana**

Mr. Gameon said that their concern is that Quentin Eggart has not paid attention to his renters. He reported a lot of congestion has been created, as at times there have been 4-6 persons in the rental. He stated this neighborhood is a one family area and he feels there should be some stipulation on the number of residents able to live in this property.

**Mary Graham, 2330 Avenue B, Billings, Montana**

Ms. Graham asked how two places can be rented but pay taxes as a single family residence. Jeff Bollman explained that one cannot always rely on the Department of Revenue's records. He said he understands her concern and personally has questions as to whether it was legally converted into a duplex or not. Neil Kiner noted that one of the factors is that the records do not concur and that it is Mr. Eggart's responsibility to have them updated. Ms. Graham said it should not be a duplex if it is under the tax code as a single family. Jeff Bollman agreed and said the property's use and the Department of Revenue's records should be the same. He said that this could be changed through the Department of Revenue. Ms. Graham stated that this should not be legally rented as a duplex. Jeff Bollman gave further clarification. He said that he questioned the regulations as he assumed it was changed in 1980 and was permitted at that time. Ms. Graham stated that she is confused as this has been a single family residence in 1993. Jeff Bollman said this is difficult from the City's standpoint, as the records may not exist. Ms. Graham asked how something be done illegally now be legal. Paul Cox noted that this action is due to a request from the lending agency as it is required for sake of a nonconforming property. Ms. Graham asked how the Board can vote if this is not clear. Paul Cox reiterated that the applicant is requesting a rebuild letter. Neil Kiner said the Department of Revenue is at fault as it was converted to a duplex in 1980. Ms. Graham stated her concern is the single family aspect suddenly changing to the duplex aspect. Jeff Bollman said the structure does not meet the current definition for a duplex as access can be gained through an interior doorway. Mary Graham stated that all of their houses are this way and they are worried about the future. Jeff Bollman stated that the Board will have to consider this issue as the variance runs with the land. Nicole Cromwell explained that complaints have to be forwarded through the Code Enforcement Division and they would have to provide evidence that this was done illegally. She pointed out that this is not considered an illegal duplex. She stated many homes of this vintage were constructed as up-down units that share an interior door; and she personally owns such a home. She said the City assigned a second address to this building in the 1980's, as there is a second dwelling unit. Ms. Graham asked if this could be investigated, as they are not getting any answers. Ms. Walborn said that it possible it was previously rented in 1980. She commented that it may have been stopped if they had objected at the time the other unit was rented and it may be difficult to bring before a court sixteen years later.

**Rebuttal**

Chairman Bollman called for rebuttal.

**Quentin Eggart, Eggart Engineering, Billings, Montana**

Mr. Eggart said did not wish to rebut.

Chairman Bollman closed the public hearing at 7:22 p.m. and called for a motion.

**Motion:**

**A motion was made by Boardmember Eggen and seconded by Boardmember Kiner to approve City Variance #1091 with the conditions recommended by Staff.**

**Discussion:**

Chairman Bollman called for discussion on the motion. Paul Cox pointed out that the motivation for these requests is due to the changes in mortgages and lending. He commented he finds it frustrating but it is still the law. He stated it is the job of this Board to defend this code and would be doing the

right thing by approving this request. Jeff Bollman stated he disagrees as he suspects this is not a legal duplex and it should revert to a single family residence. He commented he is not sure the addition on the garage is legal. He said he understands Ms. Graham’s frustration as this is an illegal nonconforming use. Daniel Eggen pointed out that this property can continue as is until the property is sold. Jeff Bollman said this is assuming that a judge would not make the property revert to a legal use. He stated a single family neighborhood should ultimately revert to the use. Paul Cox pointed out a lot of homes fall into this category. Jeff Bollman stated this is a different case; testimony was given that it was a single family home. Barbara Walborn said she plans to vote “no” as she feels that people have done things illegally in this case.

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

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

***The vote is 3 for the motion and 2 against. The motion is denied and City Variance #1091 is denied as per State Law, a variance can only be approved if 4 members vote to approve.***

Chairman Bollman called for presentation of agenda item #4, City Variance #1092-302 N 15<sup>th</sup> Street. Ms. Cromwell reviewed the criteria for review and the staff findings for this application.

**Item #4: City Variance #1092 – 302 N 15<sup>th</sup> Street –**

A request for a variance 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.

**REQUEST**

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. Planning staff is recommending conditional approval.

Staff is recommending the following conditions for the variance request:

1. The variance is to decrease the minimum side adjacent to street setback from 10 feet to 5 feet. No other variance is intended or implied with this approval.
2. The variance is limited to Lots 1 through 8, Block 32 of Billings Original Town generally located at 302 North 15<sup>th</sup> Street.

3. Any future rebuilds or remodel of the subject structures will need to be done in compliance with the City's adopted building code and site development code. With the exception of the reduced side adjacent to street setback, all other zoning code requirements will apply.
4. The applicant shall receive approval for a building permit within 6-months of Board approval. Construction of the 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. Jeff Bollman pointed out that this property is in the East Billings Urban Redevelopment (EBURD) area and asked about the form based code. Nicole Cromwell explained that it is likely that this would be allowed within the form based code regulations, as it has build to lines instead of minimum setbacks. She said a consultant has been hired who is working with Sanderson Stewart on the traffic portion of the development; the first meeting will be held May 10, 2011.

### **Public Hearing**

Chairman Bollman opened the public hearing and called for the applicant's presentation for City Variance #1092-302 N 15<sup>th</sup> Street. There was none. Chairman Bollman closed the public hearing at 7:36 p.m.

### **Applicant**

#### **Matthew McDonnell, Owner, Big Sky Collision Center, 302 N 15<sup>th</sup> Street, Billings, Montana**

Mr. McDonnell stated that they intend to tear down the wood structure. In response to a question by Jeff Bollman, Mr. McDonnell said they need three bays for the detail center but the height of the structure will remain relatively the same.

### **Motion:**

**A motion was made by Boardmember Walborn and seconded by Boardmember Eggen to approve City Variance #1092-302 N 15<sup>th</sup> Street Avenue with the conditions recommended by Staff.**

### **Discussion:**

Chairman Bollman called for discussion on the motion. Barbara Walborn asked if moving the building to the lot line will be recommended by the new code and Nicole Cromwell said this depends on the intended street design and the intended use.

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

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

*The motion carries 5-0 and City Variance #1092 is conditionally approved.*

**Other Business/Announcements:**

- A. Announcement: The next City Board of Adjustment will be held on Wednesday, May 4, 2011.

**Adjournment: 7:48 p.m.**

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

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**Chairman Jeff Bollman**

**ATTEST:**

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**Tamara L. Deines, Planning Clerk**